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REPORT  
OF THE  
ALCOHOL LEGISLATION COMMITTEE  
TO THE  
ATTORNEY GENERAL OF ALBERTA



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June 25, 1973

Honorable C. Mervin Leitch,  
Attorney General,  
Province of Alberta,  
404 Legislative Building,  
Edmonton, Alberta

Dear Mr. Leitch:

On behalf of the members of the Committee directed by you to examine existing liquor legislation in the Province of Alberta, I am pleased to present the Final Report of the Committee for your consideration.

By way of introduction, I wish to make a number of comments which may be of some assistance to you in the conduct of your deliberations arising from the numerous recommendations suggested in this Report.

Any group of individuals who face the task of examining liquor legislation immediately must come to grips with the ambivalence which surrounds this area as well as certain philosophical problems. The ambivalence to which I refer is that in jurisdictions where the sole distributor of beverage alcohol is a State monopoly, Governments\_ enjoy tremendous profits from the sale of beverage alcohol, a product which used in excess causes extensive health and social damage. The Province is responsible for the public health of its citizens and it is the Government who reaps the profits from the sale of a product whose misuse has created one of the greatest health problems in Canada today.

This Report will not, of course, recommend that the Government get out of the beverage alcohol business. It is the individual right of any citizen to decide whether or not they wish to consume beverage alcohol, and as a result it is just as well that the Government manage the sale of drugs of this nature.







However, the ambivalence still exists and must be recognized in any study relating to marketing and distribution of beverage alcohol.

The philosophical issues involved in such a study evolve around the difficulty of determining whether or not a so called liberalization of drinking laws will result in increased consumption, and increased alcoholism.

On one hand there are those who suggest that to allow new forms of drinking facilities will create increased drinking opportunities with attendant increased consumption and resultant alcoholism. On the other hand there are those who suggest that more personalized smaller community oriented drinking establishments will result in a healthier attitude toward the consumption of beverage alcohol, and as a result a lessening in the many social problems created by the misuse of beverage alcohol by the consumer.

Scientific research in this area is abundant but inconclusive. It appears that to a certain extent the decisions of the researchers depend upon the particular interest group that is underwriting the research to be undertaken.

Against this backdrop of scientific ambiguity, the Committee became aware of the particular development of drinking patterns in the Province of Alberta which are somewhat unique to this Province.

As a result the Committee has reached certain conclusions which underly the basis of many of the recommendations made in this Report. These conclusions are as follows:

1. Our present liquor legislation has resulted in the creation of unfortunate drinking practices in the Province of Alberta, in that licensed premises have become too large, too impersonal, and too expensive for the average consumer.





2. The present legislation seems to be particularly designed to protect certain interest groups which historically may have required additional legislative protection but as at this date, particularly in the urban centres, no longer require the extent of protection provided by existing legislation.
3. The social and economic damage occasioned by the misuse of beverage alcohol in the Province of Alberta is staggering and incalculable. Albertans, even with stringent beverage alcohol legislation, surprisingly are the second largest per capita consumers of beverage alcohol in Canada. Provisions for the reduction of chronic alcoholism will not be found in beverage alcohol legislation of the type examined by the Committee.

It is from the above mentioned criteria that the Committee arrived at its recommendations. The major recommendations of the Committee are:

1. that the Minister responsible for the administration of the Beverage Alcohol Act and the Beverage Alcohol Licensing Act be the Minister of Consumer Affairs;
2. that a Beverage Alcohol License Appeal Board be constituted;
3. that new license categories be created, the most significant of which being the urban Pub License, allowable in cities and recreation areas only, such a license to allow a maximum seating capacity of 125 patrons and to be related to individual communities without the necessity of being part of a hotel or dining lounge





location. It is not the Committee's wish to suggest a proliferation of drinking establishments, but to construct licensing categories which will change drinking habits and attitudes within the Province for the better, and hopefully, prevent substantial increases of alcoholism;

4. that the use of Special Permits be drastically reduced;
5. that the procedures relating to the processing of applications for licenses with the Director of Licensing be changed to become more efficient and allow individual Albertans greater opportunity to express their view to the Government agencies involved;
6. that large beer halls be phased down to be of a size no larger than that of providing a seating capacity for 375 patrons per room;
7. that dancing, and recreational activities be strongly encouraged in all licensed premises;
8. that the Director of Licensing set up offices on a regional basis throughout the Province to include locations in Calgary, Edmonton, Grande Prairie, Red Deer and Lethbridge in order to decentralize the activities of the department;
9. that the responsibilities of licensees with respect to the service of beverage alcohol to minors and inebriates be extended to ensure that licensees adequately enforce the regulations set out in the Alcohol Legislation.





10. that the Local Police Authorities assume the responsibility of the enforcement of the Beverage Alcohol Licensing Act and the Beverage Alcohol Act and Regulations thereunder in cooperation with the licensee and the Beverage Alcohol Board;
11. that Agency Stores operate on an annual contractual basis with the Beverage Alcohol Board and be allowed to sell beverage alcohol in the more remote areas of the Province;
12. that the warehousing and marketing of beer (bottled and keg) become the sole responsibility of the Alberta Brewers' Agents under the supervision and control of the Beverage Alcohol Board;
13. that the alcohol content of domestic beer be decreased from 5% to 4% by volume, and that any licensee be entitled to sell draft beer.

Each of the aforementioned recommendations, and many others are specifically set forth and explained in the content of the within Report.

The Committee wishes to stress that many of its findings are admittedly subjective in that supportive research in many of the areas dealt with by the Committee is not available. However, the Committee has had the opportunity to hear directly from countless Albertans and experts from across Canada during the conduct of its deliberations.

The Committee is concerned that the consumer should receive a higher degree of consideration than has been the case in the past - in priority to the numerous industries who are profiting from the sale of beverage alcohol, including, I might add, the Government of the Province of Alberta.





In a sense, it is unfortunate that there exists a lack of consistency in beverage alcohol legislation at present throughout Canada. In the past few years a number of Provinces in Canada have directed special task force studies to examine licensing, distribution and marketing legislation within their jurisdictions. Our Committee reviewed a considerable number of these studies, as well as those made available from other parts of the world including current legislation as it pertains to beverage alcohol. In England an exhaustive study of liquor licensing legislation was completed late last year which provided extensive pragmatic and philosophical background material to the Committee.

Undoubtedly it would be advantageous if a more consistent approach to beverage alcohol legislation existed throughout Canada today, rather than the somewhat "shotgun" approach which has resulted by virtue of contradictory legislation in particular provinces. However, it must also be understood that drinking habits and legislation have evolved in each jurisdiction as a result of circumstances which are somewhat unique to the individual province concerned, and it is therefore predictable that the attitudes and patterns related to drinking differ from area to area throughout Canada, as does the legislation.

The suggestions contained in this Report are not in any way to be considered as final or conclusive. Indeed, it is suggested that ongoing studies be maintained by the Government to ensure that liquor legislation keeps apace with social changes and needs in light of new research which shall undoubtedly evolve in future years. The last study of liquor legislation in the Province of Alberta took place in 1955. This is not satisfactory in that legislation of this nature requires continual study, understanding and change.

On behalf of the members of the Committee, I wish to express our sincere appreciation to the dedicated members of the Alberta Liquor Control Board





and its employees. Without the availability of the expertise and cooperation of all of the members of the Board, its employees, and particularly the Chairman of the Board Mr. A. D. Elliott, the preparation of this Report would not have been possible.

Throughout the course of the Committee deliberations it became evident that the Alberta Liquor Control Board enjoys a reputation as the finest Liquor Board in Canada. The Committee concurs in this opinion.

To the members of the Committee, Mrs. Thomson, Messrs. Hardy and Watson, and to Julian Koziak, M.L.A. Edmonton Strathcona and Mr. Larry Hanlan whose ongoing assistance was most useful to the Committee, I wish to personally extend my gratitude for their sincere and gratuitous efforts in the course of the studies undertaken by the Committee.

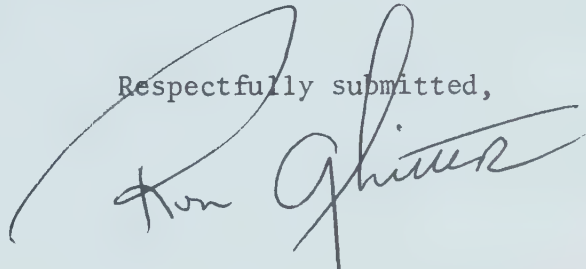
I wish to also extend my appreciation to the Alberta Alcohol and Drug Abuse Commission for allowing Mr. Don Bruce of the Commission to act as Research Consultant to the Committee during the course of its deliberations. The assistance given by Mr. Bruce to the Committee was characterized by creativity and a consistent thorough approach, both of the highest professional standard for which the Committee is indebted.

To the many other Albertans who have so generously given of their time to the Committee, and to the Secretary of the Committee Mrs. Judy Martin, our sincere thanks.



In conclusion, may I recommend for your deliberations the within Report in trust that it shall be of some assistance to the Government of the Province of Alberta in providing a more consumer-oriented contemporary type of beverage alcohol legislation, which in the view of the Committee is presently wanting in the Province.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Ghitter". The signature is fluid and cursive, with a large, sweeping initial "R" that extends upwards and to the left.

Ron Ghitter, M.L.A. Calgary Buffalo  
Chairman,  
Liquor Legislation Committee.





## HISTORY

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The Alberta Liquor Control Board was constituted in 1924 by the Legislative Assembly. Although this was not the first alcohol legislation for the area, it represented a first step in provincial control of all aspects of the beverage alcohol industry. Provisions providing for manufacturing, transportation, and orderly retail sales were quickly implemented, bringing to an end the era of uncontrolled sales and production.

From 1924 to 1958 the Board concentrated on industry, with particular emphasis placed on licensed premise standards. Today, Alberta has seventy-six operating hotels whose standards are a credit to the Board and to Alberta's tourist industry. The beverage alcohol industry was brought under complete provincial control in 1936 when the brewing industry became responsible to the Alberta Liquor Control Board by transfer from Federal authority.

In 1958, a major overhaul of Alberta's liquor laws was undertaken, creating new license categories, abolishing individual purchase permits, and prohibiting Brewers and Distillers from holding interests in retail outlets. The major innovation of that period was the implementation of mixed drinking for the second time in area history, as it had been disallowed since 1928.

During the period 1960 through 1965, the Board reorganized itself, implemented recreational activities in beverage rooms, authorized special permits on Sundays, and was encouraged by the opening of the first winery in Alberta. As a direct result of concerns on behalf of the Board, a new advertising code was brought into legislation allowing the Board to scrutinize all forms of advertising with a view to approval or disapproval.

Continued . . .





## History

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During 1966 the Board increased its warehousing facilities and embarked upon data processing as a means of cutting costs and time to meet the public demand for services. Minor changes allowed for Fire Safety Standards, homemade wine and beer, and allowed liquor service in hotel rooms and on commercial aircraft during 1967.

Cabarets became popular in 1969, and the same year saw Alberta's first self-serve liquor store. In 1970, due to an increasing hardship in country hotels, a keg beer rebate system was instituted to avoid smaller operators going bankrupt and depriving rural areas of services which are an integral part of their community.

In 1971 the age of majority was lowered from 21 to 18 allowing drinking privileges for this age group. In order that some of the identification problems might be alleviated, the Board created identification cards for young people. Beer and wine were allowed in restaurants as well as liquor and wine in beverage rooms. The self-serve liquor store operation was successful, which brought an increase to 19 such stores throughout the province. The Provinces' International Airports were permitted seven-day operations along with "Duty Free Stores". The Board began a trend away from larger premises and permitted innovations such as Beer Gardens, Special Events, Licenses for Exhibitions, Mardi Gras and Oktoberfests.

Continued . . .



## History

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Presently the Alberta Liquor Control Board issues over 1900 licenses annually for the manufacture and sale of beverage alcohol products. An additional 39,749 permits are granted to applicants allowing them to utilize beverage alcohol for special purposes. Coupled with this are the responsibilities of maintaining licensed premise standards for the protection of the public and ethical business practices within the beverage alcohol industry.





## BEVERAGE ALCOHOL ACT

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## BEVERAGE ALCOHOL LICENSING ACT

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- RECOMMENDED - that the name of the "Liquor Control Act" be changed to the "Beverage Alcohol Act";
- that the name of the "Liquor Licensing Act" be changed to the "Beverage Alcohol Licensing Act".

The word "liquor" has become a misnomer in its usage over the years. The term "liquor" applies only to "distilled spirits", and not to fermented beverages. Inasmuch as the Board is marketing alcohol products other than liquor (i.e. beer and wine), a more appropriate term is required, one that is common to all products - "beverage alcohol".

Investigation by the Committee has brought to its attention that the terms "liquor", and, for that matter "control", are no longer in frequent use in legislation throughout many North American jurisdictions\*. The use of the term "control" has stayed with the name of Alberta's legislation even though the legislation itself has changed considerably from a focus on control to one of management and marketing. Undoubtedly, the use of the term "control" is too narrow and restrictive in a modern concept. It is particularly a vestige of the prohibition era and not in keeping with modern-day marketing practices of beverage alcohol. The term "control" also implies that the Liquor Control Act deals with problems associated with alcohol misuse, which, in the view of the Committee, is not the intent of such legislation.

\* Appendix I

Continued . . .





Accordingly, it is the considered view of the Committee that the terminology presently in use should be changed, and that the use of the terms "liquor" and "control" should be deleted from the legislation.

Further, it is the view of the Committee that societal concerns relating to alcohol misuse and control should be expressed in legislation originating from the Department of Health and Social Development and the policies of the Alberta Alcoholism and Drug Abuse Commission. There should be a close liaison between the aforementioned department, the Commission, the Department of Consumer Affairs and the Beverage Alcohol Board.



MINISTER OF CONSUMER AFFAIRS

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RECOMMENDED - that the Minister responsible for the administration of the Beverage Alcohol Act and the Beverage Alcohol Licensing Act be the Minister of Consumer Affairs.

At present the Attorney General is responsible for the Liquor Control Act and the Liquor Licensing Act. Prior to 1971, the Minister responsible was the Provincial Treasurer. As the Attorney General is responsible for the overall administration of justice in the Province of Alberta, and as one of the underlying concepts of this report is that the prime function of this legislation be that of marketing and management, it is incompatible with the Committee's approach that the Attorney General should be the Minister responsible in this area.

Similarly, the Committee does not regard matters of marketing and management of beverage alcohol to be solely regarded as a source of revenue to the Province of Alberta, and as a result it is also incompatible with the Committee's approach that the Provincial Treasurer should be the Minister responsible.

One of the Committee's overriding concerns is that policies relating to the marketing and management of beverage alcohol emphasize the reasonable needs and wishes of the consumer rather than those of the Province or the individual licensee.

As the Government of Alberta has now seen fit to constitute a Minister of Consumer Affairs, it is appropriate that matters relating to the legislation under examination should be the responsibility of this portfolio.

Continued . . .





It is the further view of the Committee that a close liaison be structured among the Minister of Consumer Affairs, the Minister of Health and Social Development and the Alberta Commission on Alcoholism and Drug Abuse, in order to ensure that societal concerns relating to alcohol misuse not go unheeded, and that policies of the Department of Consumer Affairs relating to beverage alcohol be consistent with these concerns for the prevention of alcohol misuse within the Province to the benefit of all Albertans.



## BOARD STRUCTURE

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- RECOMMENDED - that the Beverage Alcohol Board replace the present Alberta Liquor Control Board;
- that the composition of the Beverage Alcohol Board be increased by one member.

It is the observation of the Committee that the Alberta Liquor Control Board has conducted its affairs in a business-like and efficient manner. The following table clearly indicates the tremendous growth in sales of the Board over recent years. To many citizens the expanded sales of the Board have become a source of alarm due to the obviously high consumption rates on a per capita basis of citizens of Alberta (second highest in Canada)\*. It is easily predictable that this growth will not diminish.

Notwithstanding the growth of responsibility of the Board in a marketing sense, the following chart indicates that the cost of operations of the Board has not increased in proportion to the increased sales. The Committee feels this is commendable in an age of rapidly rising costs.

\* Appendix H





COMPARATIVE ANALYSIS OF SALES, COST OF SALES, OPERATING EXPENSES AND PROFIT

THE ALBERTA LIQUOR CONTROL BOARD

FOR THE YEARS ENDED MARCH 31, 1968 to 1972

	1968	% of Sales	1969	% of Sales	1970	% of Sales	1971	% of Sales	1972	% of Sales
Total Sales	\$116,206,146	100.0	\$125,789,386	100.0	\$140,488,411	100.0	\$156,391,207	100.0	\$178,953,026	100.0
Cost of Sales	70,697,448	60.83	77,812,692	61.86	86,227,821	61.38	92,029,688	58.85	105,458,189	58.93
Gross Profit	\$ 45,508,698	39.17	\$ 47,976,694	38.14	\$ 54,260,590	38.62	\$ 64,361,519	41.15	\$ 73,494,837	41.07
Operating Expenses: Stores, Administration and General, and Warehouses	\$ 7,604,134	6.54	\$ 8,093,706	6.43	\$ 8,799,381	6.26	\$ 10,290,281	6.58	\$ 11,527,584	6.44
License & Permit Revenue	1,511,673	1.30	1,582,435	1.26	1,837,054	1.31	2,200,552	1.41	2,695,658	1.51
License & Permit Expense	361,592	.31	372,081	.30	405,883	.29	471,142	.30	565,358	.32
Other Operating Income - Net	305,356	.26	425,613	.34	502,794	.36	438,346	.28	472,566	.26
Operating Expenses - Net	\$ 6,148,696	5.29	\$ 6,457,740	5.13	\$ 6,865,416	4.88	\$ 8,122,526	5.19	\$ 8,924,716	4.99
Net Operating Profit	\$ 39,360,001	33.87	\$ 41,518,954	33.01	\$ 47,395,174	33.73	\$ 56,238,993	35.96	\$ 64,570,121	36.08
% Increase over Previous Yr. Total Sales	10.16		8.25		11.69			11.32		14.43
Cost of Sales	8.51		10.06		10.81			1	6.73	14.59
Operating Expenses - Net	9.18		5.03		6.31			2	18.31	9.88
Net Operating Profit	13.43		5.49		14.15				18.66	14.81

1 Positive results from increase in retail price of draught beer January 1, 1970 with no change in the price paid to brewers.

2 Significant increase due mainly to : Conversion of a number of stores to self-serve - 10 stores

: Purchase of furniture and fixtures and equipment for new stores.

: Loss on disposal of buildings.

: Warehouse renovations, repairs and purchase of equipment.

: Expenses attendant to opening and operation of new stores - 8 stores.



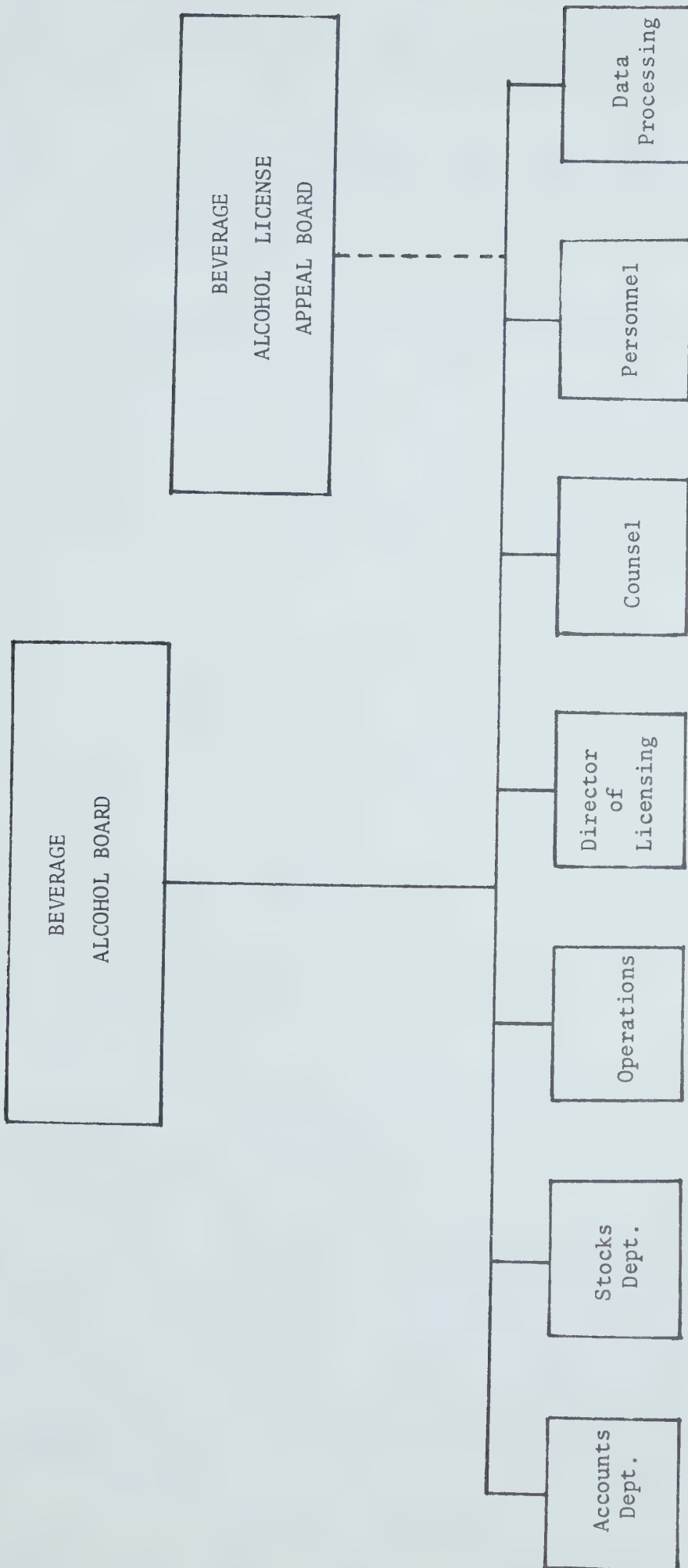
## Board Structure

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The Committee recommends that membership of the Board be increased from three (3) to four (4) members, in order that the ever growing responsibilities of this Board may be continued in an efficient manner. The Committee further suggests that each member of the Board be delegated specific responsibilities to report to the Board in matters relating to licensing, marketing, accounting, personnel and warehousing.









RECOMMENDED - that a Beverage Alcohol License Appeal Board  
be constituted.

Throughout the course of the public hearings held by the Committee, it became apparent from the submissions that a considerable number of Albertans were of the view that the decisions of an administrative tribunal, i.e. the Alberta Liquor Control Board, should not be final and binding, taking into consideration the heavy responsibilities placed upon the Board in their deliberations.

As a matter of principle, it is the view of the Committee that decisions of administrative tribunals should not be final and binding but that some recourse should be available to an appeal tribunal, and, in certain circumstances to the courts.

Indeed, it would appear that the members of the Alberta Liquor Control Board themselves do not particularly enjoy the position of being a final arbiter in matters relating to the alcohol industry.

Accordingly, the Committee recommends that a Beverage Alcohol License Appeal Board be constituted, the function of which is to hear appeals from any aggrieved party on all matters relating to licensing, permits, applications renewals, suspensions, cancellations and areas of dispute within the parameters of the Beverage Alcohol Licensing Act and the regulations thereunder. The Beverage Alcohol License Appeal Board would have the power to reverse, vary, or maintain the decisions of the Director of Licensing, or other officials employed pursuant to the Beverage Alcohol Licensing Act.

Continued . . .





## Appeals & Appeal Board

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It is recommended that the Beverage Alcohol License Appeal Board consist of the Chairman and three members appointed by the Lieutenant Governor in Council. The members of the Board shall meet on a frequent basis so that all appeals may be heard expeditiously.

In order to provide continuity, members of the Board should be appointed on an overlapping basis, the term of any member on the Board not to exceed three (3) years, subject to the right of the Lieutenant Governor in Council to renew any appointment.

With respect to the Beverage Alcohol License Appeal Board, it is further recommended that:

- (a) no action or proceeding shall be taken against any member or members of the Board, or in the names of any of the members of the Board for anything done or omitted to be done arising out of the performance of the duties of the members of the Board, by virtue of their decisions;
- (b) the Board may, in its discretion hold "in camera" hearings, although such hearings are to be discouraged;
- (c) the members of the Board shall be reimbursed for all reasonable travelling and out-of pocket expenses incurred by them in the performance of their duties, and in addition should be paid a per-diem remuneration in such amount as the Lieutenant Governor in Council may prescribe;

Continued . . . .



- (d) a quorum of the Board shall be constituted when three members are in attendance, one of whom must be the Chairman, or in his absence the Vice-Chairman of the Board (to be appointed by the members of the Board);
- (e) an appeal from the decision of the Director of Licensing shall be filed with the Beverage Alcohol License Appeal Board within fourteen (14) days of the rendering of the decision by the Director of Licensing. The appeal must be heard within twenty-one (21) days following the date of expiration of the fourteen (14) day period. There shall be no appeal to the Courts from the decision of the Director of Licensing, although the Act shall not contain any restrictions whereby appeals from the decision of the Beverage Alcohol License Appeal Board to a judicial tribunal shall be prohibited;
- (f) the location of the Appeal hearing to be as close as possible to the area affected.

For further reference to license application procedures and advertising recommendations relating to the Beverage Alcohol License Appeal Board, see Page 28, under License Application Procedures heading.

In conclusion, it should be emphasized that the recommendation of the Committee relating to the constituting of a Beverage Alcohol License Appeal Board is in no way to be construed as an indictment of past practices of the Alberta Liquor Control Board. It is, as previously expressed, merely the opinion of the Committee that as a matter of principle, decisions of administrative



## Appeals & Appeal Board

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tribunals should not be final and binding without recourse to a democratic appeal procedure. It is hoped that complaints will now be at a minimum, as any party adversely affected by the decision of the Board in licensing matters will be entitled as of right to utilize the appeal procedure envisioned by the recommendations of the Committee.





## LEGAL COUNSEL

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- RECOMMENDED -
1. that Legal Counsel be appointed on a permanent basis to the Beverage Alcohol Board;
  2. that Legal Counsel shall attend all meetings of the Beverage Alcohol Board and the Beverage Alcohol License Appeal Board;
  3. that Legal Counsel shall act on behalf of the Director of Licensing and/or the Beverage Alcohol Board, in all hearings before the Beverage Alcohol License Appeal Board;
  4. that Legal Counsel shall recommend changes in legislation to the Beverage Alcohol Board and the Minister of Consumer Affairs.

The Committee envisions the responsibilities of the Legal Counsel to be three-fold.

Firstly, the complexities of matters coming before the Beverage Alcohol Board are of such a nature that the appointment of permanent Legal Counsel is warranted.

Secondly, the Legal Counsel shall be assigned the responsibility of representing the Director of Licensing in all appeals before the Beverage Alcohol License Appeal Board.

Thirdly, in order to maintain a continuous updating of Beverage Alcohol Legislation in the Province of Alberta, Legal Counsel, in cooperation with the Beverage Alcohol Board, should actively make recommendations to the Minister of Consumer Affairs.



## LICENSES

There can be little doubt that no other area investigated caused the Committee more concern and difficulty than the investigation related to licensing practices in the Province of Alberta. The Committee by its recommendations contained in this Report does not wish to adversely affect the many industries in Alberta which have grown to a substantial size and are directly related to the production and marketing of beverage alcohol.

However, the Committee has also been greatly influenced by the considerable expression of public opinion encouraging it to recommend licensing procedures whereby smaller, more personalized, community-oriented licensing outlets be permitted. The Committee notes that present regulations strongly discourage the possibility of such outlets due to numerous requirements which a smaller outlet could not reasonably meet. The Committee also notes that the introduction of the beer and wine license category in smaller restaurants has not, in the Committee's view, had any apparent deleterious effect upon drinking practice in Alberta.

In matters related to licensing the Committee has heard recommendations and statements of concern suggesting that an expansion or liberalization of license categories would result in increased consumption, and subsequently an increase in social problems. The Committee categorically rejects these arguments, and adopts the viewpoint that the present existence of large, depersonalized drinking establishments in the Province is more likely to result in a higher incidence of drunkenness than is the approach recommended by the Committee to encourage smaller, more personalized licensed premises within communities. Many citizens have suggested to the Committee that they are presently excluded

Continued . . .



## Licenses

from reasonably priced drinking establishments due to the popularity of Alberta beverage rooms with the younger population. Since the age of majority was reduced to eighteen years, the larger drinking establishments in Alberta have become "the place to be" for younger Albertans. As this segment of the drinking population apparently desires music which to some is rather noisy, the owners of these beverage rooms have provided the atmosphere that their younger customers desire. Such an approach is beyond criticism; however, there are many Albertans who have frequented these drinking establishments in the past, and who now find that there is no place where they can go for a quiet beer at a reasonable price. This consumer must be considered as well, and accordingly it is envisioned by the Committee that the licensing recommendations contained in this Report will allow licensees a maximum opportunity to provide a variety of licensed establishments to cater to the demands of all consumers throughout the Province. Further, it is to be noted that the approach of the Committee in its deliberations relating to licensing has been to encourage smaller drinking establishments, phase out the larger establishments, and encourage recreational activities within the licensed premises.

It is further noted that since the lowering of the age of majority in the Province of Alberta, current drinking practices in this Province provide little demonstration value for young people whose education about alcohol, in the opinion of the Committee, has been sadly neglected.

It is not enough that licensees should merely provide establishments for "just drinking". Licensed premises should be encouraged to provide food, as is presently the case, and basically to encourage a reduction of beverage alcohol consumption on premise. Recreational activities such as dancing,

Continued . . .





## Licenses

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singing, darts, checkers, and shuffleboard in all licensed establishments should become part of the normal repertoire of these outlets." It is important that licensed premises be encouraged to increase social interaction of clientele in order that drinking establishments in the province become a place to enjoy a drink and the companionship of others in an atmosphere conducive to such interaction. Drinking establishments where consumers attempt merely to "drink to get drunk" are to be discouraged, hopefully by the license categories suggested by the Commiteeee.

The Committee anticipates that by control of size and the encouragement of activities, drinking habits and attitudes in this province may become more rational, resulting in less drunkenness and a better-educated drinking public. The Committee recommends a restructuring of the present license categories and the creation of sixteen new license categories. The implementation of clearly defined license categories will also result in less emphasis upon the use of the special permit system which is costly to administer and annoying at times to the public.

In order to facilitate some of the recommendations, it is to be noted that the Beverage Alcohol Board will require some discretion in order that individual situations may be dealt with flexibly.

In view of the tremendous rate of social change in the province, the Commiteeee recommends that the Government of Alberta continue to review the Beverage Alcohol Licensing Legislation, in order that such legislation remain relevant to social needs and health policy requirements.



## LICENSE CATEGORIES

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### 1. TAVERN LICENSE - allowable in Hotels only\*

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#### Mandatory requirements:

- (a) Seating - 375 seats, of which 50 may be a standup area,  
at the discretion of the Board
- (b) Food - Minimum of three hot and three cold snack trays  
Lighted wall menu or table menu - clearly visible
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M.  
One hour tolerance
- (e) Activities - Maximum emphasis on recreational activities  
to be encouraged

\*One license allowed per hotel, excluding those involved in a phasing down process.

. . . . .

There are still a number of large establishments whose seating is substantially in excess of three hundred and seventy-five (375) seats. In the Committee's opinion, those establishments should be required by the Board to reduce the size of their premise to the seating limits prescribed in this Report - within a reasonable time period. This may include permanently dividing those excessively large licensed premises in order that the requirements are attained, and the issuance of multiple licenses to such premises, if, in the Board's opinion such licensing is justified.



2. PUB LICENSE - urban (allowable in cities and recreational areas only,  
at the discretion of the Board\*)

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Mandatory requirements:

- (a) Seating
  - (1) New Pub - 125 seats, no minimum, one standup allowed for every five (5) seats to a maximum of 25 standup
  - (2) Existing Lounge Licenses (Dining Lounge Licensees) maximum of 125 seats, standup area as above. The present regulation of half the total number of dining room seats applies, but must be accommodated in facilities not to exceed 125 seats per room
- (b) Food
  - Minimum of three hot and three cold snack trays
  - Lighted wall menu or table menu - clearly visible
  - Food split (page 38) does not apply to this license
- (c) Beverages
  - Bottled and/or draft beer
  - Spirits
  - Wine
  - Non alcoholic beverages
- (d) Hours
  - Maximum of 14 hours of beverage alcohol service
  - Service not later than 1 A.M.
  - One hour tolerance
- (e) Activities
  - Maximum emphasis on recreational activities to be encouraged.

\*To replace the current Lounge License in cities. Locations to be at the discretion of the Board - respect to existing licensed premises in outlying districts (suburbs) will be necessary to prevent proliferation, but unnecessary in the downtown core.

3. DINING LOUNGE LICENSE

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Mandatory requirements:

- (a) Seating
  - No minimum, no maximum - extension to sidewalk cafe and/or patio garden at the Board's discretion
- (b) Food
  - Full food service must be available at all times
- (c) Beverages
  - Bottled and/or draft beer
  - Spirits
  - Wine
  - Non alcoholic beverages
  - Beverage alcohol may be served without food service
- (d) Hours
  - Maximum of 14 hours of beverage alcohol service
  - Full food service available to 1 A.M., with power of extension at the discretion of the Board
- (e) Activities
  - Maximum emphasis on recreational activities to be encouraged.





4. LOUNGE LICENSE - available to Dining Lounge Licensees in rural areas  
(urban areas - Pub License applies)
- 

Mandatory requirements:

- (a) Seating - The present regulation of half the total number of dining room seats applies, but must be accommodated in facilities not to exceed 125 per room
- (b) Food - Food service available
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Must be the same as the Dining Lounge hours  
Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M.  
One hour tolerance
- (e) Activities - Maximum emphasis on recreational activities to be encouraged.

5. CABARET LICENSE - restricted to Hotels only
- 

Mandatory requirements:

- (a) Seating - Maximum of 375 seats
- (b) Food - Minimum of three hot and three cold snack trays  
Lighted wall menu or table menu-clearly visible
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M.  
One hour tolerance
- (e) Activities - Maximum emphasis on recreational activities to be encouraged.



## 6. RESTAURANT LICENSE

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### Mandatory requirements:

- (a) Seating - Board discretion (any size)
- (b) Food - Full food service must be available  
Meal must be served to obtain beverage alcohol
- (c) Beverages - Bottled and/or draft beer  
Wine  
Non alcoholic beverages
- (d) Hours - Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M.  
One hour tolerance
- (e) Activities - Maximum emphasis on recreational activities  
to be encouraged.

## 7. THEATRE LICENSE - a bona fide establishment for housing dramatic theatrical presentations\*

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### Mandatory requirements:

- (a) Seating - Board discretion - standup allowed  
For patrons of the theatre only (those attending the performance)
- (b) Food - Food should be available
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - During intermission - one hour before and  
one hour after the performance only.

\*Must meet basic health and safety standards.  
For the use of patrons of the theatre only.



## 8. CATERERS LICENSE

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For municipally licensed food operators in a legitimate catering business which provides food and service to the public on a group basis and operates out of an approved permanent facility. Licenses issued subject to the discretion of the Board.\*

### Mandatory requirements:

- (a) Seating - No minimum - no maximum
- (b) Food - Full food service must be available
- (c) Beverages - (1) Licensees may purchase beverage alcohol for bona fide groups and/or events  
(2) Resale of beverage alcohol subject to Resale Permit prices and regulations
- (d) Hours - Resale Permit hours apply

\*Monthly reports must be submitted to the Beverage Alcohol Board, reporting on events catered to, dates, and the number of people served.

## 9. CLUB LICENSE

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Available to chartered/incorporated organizations, under the Societies/Companies Act or similar legislation, of a private non-proprietary nature catering to members and their guests only, and having permanent facilities.

### Mandatory requirements:

- (a) Seating - Optional - to a maximum of 375
- (b) Food - Minimum of three hot and three cold snack trays
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M.  
One hour tolerance
- (e) Activities - Maximum emphasis on recreational activities to be encouraged.





## 10. SOCIETIES ANNUAL LICENSE

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Available to chartered/registered organizations, under the Societies Act or similar legislation, of a private non-proprietary nature catering to members and their guests only, but without permanent facilities. Licenses issued subject to the discretion of the Board.\*

### Mandatory requirements:

- (a) Seating - Optional - service to members and guests only
- (b) Food - Food must be available  
Minimum of three hot and three cold snack trays
- (c) Beverages - (1) All categories of beverage alcohol available  
(2) Prices of beverage alcohol sales, subject to Resale Permit Regulations
- (d) Hours - (1) Hours according to Resale Permit Regulations, maximum of seven (7) hours  
(2) Limited to four functions per month
- (e) Activities - Maximum emphasis on recreational activities to be encouraged.

\*Subject to continuous discretion of the Board.

Monthly reports must be submitted to the Beverage Alcohol Board.

## 11. CANTEEN LICENSE

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Classification #1 - Occupants of Nursing Homes, Senior Citizens Homes and other similar Institutions, and their bona fide guests  
These Institutions must be registered and approved by the Department of Health and Social Development.

### Mandatory requirements:

- (a) Seating - At Board discretion
- (b) Food - Food must be available
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wines  
Prices according to Resale Permit Regulations
- (d) Hours - To be determined by the Institutional Authority and approved by the Beverage Alcohol Board.



## 11. CANTEEN LICENSE

Classification #2 - Seasonal Facilities such as Tourist Lodges, Hunting Lodges, Fishing Lodges, Dude Ranches, Ski Lodges;

### Mandatory requirements:

- (a) Seating - At Board discretion
- (b) Food - Food service must be available
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Resale according to Resale Permit Regulations
- (d) Hours - To be approved by the Beverage Alcohol Board

Classification #3 - Department of National Defense, Canadian Forces Base Messes, R.C.M.P., City Police Departments, Canadian Forces Reserve.

- (a) Seating - At Board discretion
- (b) Food - Minimum of three hot and three cold snack trays  
Lighted wall menu or table menu - clearly visible
- (c) Beverages - Bottled and/or draft beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Maximum of 14 hours of beverage alcohol service  
Service not later than 1 A.M., one hour tolerance

## 12. POST SECONDARY EDUCATIONAL LICENSES - Universities, Colleges, Technical Institute

Available upon application by the Board of Governors, or appropriate authority, and after a favorable plebiscite has been held by the students. Licenses issued on campus are not to be of a commercial nature.

### Mandatory requirements:

- (a) Seating - Maximum 375 seats, extension to a larger facility on weekends and special occasions at Board discretion
- (b) Food - Minimum of three hot and three cold snack trays  
Lighted wall menu or table menu - clearly visible
- (c) Beverages - Bottled and/or draft beer  
Wine  
Non alcoholic beverages
- (d) Hours - Daily 3 P.M. to 11 P.M. extension on special occasions subject to the approval of the Board of Governors and the Beverage Alcohol Board
- (e) Activities - Maximum emphasis on recreational activities to be encouraged



13. HOSPITALITY HOUSE/SUITE - each manufacturer allowed to have only one per plant\*

Mandatory requirements:

- (a) Seating - Maximum 125, extension to the grounds on special occasions at the discretion of the Board
- (b) Food - Food must be available, minimum of three hot and three cold snack trays, sale of food prohibited
- (c) Beverages - Only beverages produced by the manufacturer
- (d) Hours - Maximum 11 A.M. to 11 P.M., at the discretion of the manufacturer.

\*Manufacturers are required to submit to the Board a monthly report showing total amount of beverage alcohol consumed on their premises, and pay the amount normally forthcoming to the Board for the products consumed.

14. WINEMAKER LICENSE\*\*

To be sold by Winemaker Suppliers and Beverage Alcohol Stores at a nominal fee.

Mandatory requirements:

All winemakers shall be required to obtain a Winemakers License which will allow them to:-

- (a) manufacture wine, within the prescribed limits;
- (b) transport their wine to and from exhibitions, agricultural fairs, and competitions;
- (c) purchase grain alcohol from Beverage Alcohol Board stores for the manufacture of liqueurs.

\*\*Refer to page 72, recommendations on wine.





15. PUBLIC TRANSPORTATION LICENSE\* - trains, buses, aircraft

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Mandatory requirements:

- (a) Service - During regularly scheduled or charter operations
- (b) Food - Food must be available, snack trays
- (c) Beverages - Bottled beer  
Spirits  
Wine  
Non alcoholic beverages
- (d) Hours - Hours must be flexible to accommodate the travelling public.

\*There must be proper control and supervision, a Steward and Stewardess, or a Stewardess and Supervisor must be on duty over and above the vehicle operator.

16. BEER VENDORS LICENSE\*\*

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- (a) Available for off premise sale of beer in Hotel Taverns,
  - 1. Hours of sale according to hours of service in the establishment
  - 2. Off premise sales to be discouraged for patrons who utilize this privilege to continue parties within the hotel rooms, and/or to persons under the influence of beverage alcohol who may leave the premise intending to drive their automobile (see Licensee Responsibilities - page 39).

\*\*Refer to page 61, recommendations on beer.



## LICENSE CATEGORIES

	HOURS (to a maximum of 14 hours)	SEATS	FOOD	BEVERAGE	ACTIVITIES
1. Tavern	Service to 1 A.M.	375	Snack Trays	Beer & Spirits	All
2. Pub*	Service to 1 A.M.	125*	Snack Trays	All types	All
3. Dining Room	Service to 1 A.M.	No max. No min.	Full Food S Serv.	All types	All
4. Lounge	Service to 1 A.M.	125	Food Available	All types	All
5. Cabaret	Service to 1 A.M.	375	Snack Trays	All types	All
6. Restaurant	Service to 1 A.M.	No max. No min.	Full Food	Beer & Wine	All
7. Theatre	One hour before & one hour after performance.	N/A	Food Available	All types	N/A
8. Caterers	7 hours	N/A	Full Food Serv.	All types	All
9. Club	Service to 1 A.M.	375	Food Available	All types	All
10. Societies	7 hours	N/A	Food Available	All types	All
11. Canteen	#1 TBD** #2 TBD** #3 Service to 1 A.M.	@ Board Discretion	Snack Trays	All types	All
12. Post Secondary	3-11 Weekdays to 1 A.M. on Fri. and Sat.	125 Spec. Occ. extension	Snack trays	Beer & Wine	All
13. Hospitality House	11 A.M. - 11 P.M.	125	Snack trays	Manufactured product only	N/A
14. Winemaker	N/A	N/A	N/A	Wine	N/A
15. Public Transportation	N/A	N/A	Snack Trays	All types	N/A
16. Beer Vendor	Hotels - 1 A.M. Stores - 12 P.M.	N/A	N/A	Beer	N/A

\* Pub seating to a maximum of 125; where used as a replacement to the current lounge license in a large establishment, seating allowed to a maximum of half the total number of dining room seats in the establishment - however, not to exceed 125 per room.

\*\* To be determined.



## HOURS OF LICENSES

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### General

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Hours of service in properly licensed premises to a maximum of 14 hours, up to 1 A.M., and according to the license category. Extensions at the discretion of the Board up to a maximum of one hour plus tolerance time. Sundays and holidays at the discretion of the Board, and according to the particular license category.

### Beverage Alcohol Board Stores

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Business hours to be determined by the Beverage Alcohol Board at its discretion.

### Beer Stores

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Open from 10 A.M. to 12 P.M. daily, excluding Sundays and holidays.





## LICENSE APPLICATION AND APPEAL PROCEDURES

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RECOMMENDED - that the procedures relating to the processing of applications for licenses with the Director of Licensing be amended on the basis set out in this section.

The present procedure followed by the Alberta Liquor Control Board in dealing with applications for new licenses is cumbersome. It delays the expeditious processing of applications and further, does not allow adequate public notice whereby persons affected by the decisions of the Director of Licensing may make their position clearly known to the Board. The present procedure requires the new applicant for a license to advertise weekly in a local newspaper for a period of four weeks. This procedure delays the processing of new applications for at least one month, and does not in reality satisfactorily provide notice to persons affected by the decision. In practice, if the advertisement does come to the attention of persons who may be adversely affected, their usual recourse is to correspond with the Board. Rarely do they personally come before a hearing of the Board where they may make their views expressly known, or, call evidence to support their contentions.

Accordingly, in order that the process may be dealt with in a speedier manner, and to further allow the maximum opportunity for public participation in licensing matters, the Committee recommends:-

- (a) that the requirement for newspaper advertising of pending applications by licensees be abandoned;

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## License Application and Appeal Procedures

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- (b) that immediately following the decision of the Director of Licensing to grant an application, the Director of Licensing shall cause a notice to be advertised by a newspaper in the area, advising the public that the license has been granted subject to objections by any adversely affected party;
- (c) that a person claiming to be adversely affected by the decision made by the Director of Licensing may appeal to the Beverage Alcohol License Appeal Board by serving written notice of appeal on the Secretary of the Board within fourteen (14) days after notice of the decision is published in the newspaper;
- (d) that upon receiving notice of an appeal, the Beverage Alcohol License Appeal Board shall;
  - (i) hold a hearing within twenty-one (21) days following expiration of the fourteen (14) day appeal period;
  - (ii) ensure that notice of the hearing is mailed at least seven (7) days (exclusive of Saturday, Sunday and holidays) prior to the date of the hearing, to the appellant and to any other party who, in the opinion of the Board, may be affected;
  - (iii) consider each appeal, having due regard to the circumstances and merits of the case, taking into consideration the location of existing licensees and the adverse effects, if any, that the issuance of the license may occasion upon nearby landowners.
- (e) that when an appeal is being heard, the Beverage Alcohol License Appeal Board shall hear;

Continued . . . .



## License Application and Appeal Procedures

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- (i) the Legal Counsel representing the Director of Licensing and/or the Beverage Alcohol Board, who shall present the views of the Director of Licensing and/or the Beverage Alcohol Board in coming to a decision;
  - (ii) any other evidence that Legal Counsel for the Director of Licensing and/or the Beverage Alcohol Board may wish to call upon;
  - (iii) the party applying for the license;
  - (iv) the appellants and other evidence that the appellants may wish to call.
- (f) in determining the appeal, the Beverage Alcohol License Appeal Board;
  - (i) may confirm, reverse, or vary the decision appealed from, and may impose such conditions or limitations as it considers proper and desirable in the circumstances;
  - (ii) shall render a decision in writing to the appellant and the applicant within thirty (30) days from the date on which the hearing was held.
- (g) that the decision of the Beverage Alcohol License Appeal Board is final and binding on all parties; however, upon a question of jurisdiction or upon a question of law, an appeal lies from an order of the Beverage Alcohol License Appeal Board by originating notice of motion to the Trial Division of the Supreme Court of Alberta;
- (h) in the event that an applicant is denied a license by the Director of Licensing, the applicant may appeal to the Beverage Alcohol License Appeal Board by serving written notice of appeal on the Secretary of the Beverage

Continued . . .





Alcohol License Appeal Board within fourteen (14) days after the applicant has received notice of the decision of the Director of Licensing denying the application;

- (i) In the event of such an appeal, the Secretary of the Board shall immediately set a date for a hearing no later than twenty-one (21) days after expiration of the fourteen (14) day appeal period. The Secretary shall cause to be published in a newspaper circulating in the area where the license is intended, a notice of the appeal and the date of the hearing, so that any interested parties may appear before the Beverage Alcohol License Appeal Board to submit their views.
  - (ii) The Secretary shall also serve notice of the date and place of hearing upon any parties, who, in the opinion of the Secretary, may be interested in this application.
- (i) in the conduct of hearings by the Beverage Alcohol License Appeal Board, the board is not bound by technical rules of evidence, but;
- (i) shall conduct the hearings in accordance with such rules as may be prescribed by the Lieutenant Governor in Council;
  - (ii) shall afford to every person concerned, the opportunity to be heard, to submit evidence and to hear the evidence of others;
  - (iii) shall make and keep a recording of its proceedings to be retained for a period of sixty days following the rendering of the decision by the Board.
- (j) that an appeal from the decision of the Beverage Alcohol License Appeal Board to the Trial Division of the Supreme Court of Alberta shall be filed no later than thirty days following the serving of a copy of the order of the Beverage Alcohol License Appeal Board upon the parties so affected.

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## License Application and Appeal Procedures

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The Committee further recommends that in the case of renewal of existing licenses, an appeal procedure be adopted whereby interested parties, upon notice to the Secretary of the Beverage Alcohol License Appeal Board, shall be entitled to object to the renewal of a license and cause the within-described procedures to be implemented.



## LICENSE FEES

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RECOMMENDED - that License Fee structures charged by the Beverage Alcohol Board, upon issue or renewal of Tavern and Pub Licenses, be changed to incorporate a seat levy.

Upon reviewing the license fee structures throughout the Province of Alberta, the Committee has found that license fees charged by the Board are not adequate in relation to Canadian jurisdictions other than the Province of Alberta. In view of the changing economic conditions within the Province, it is recommended by the Committee that license fees be increased, and based on a seat levy structure.

This will overcome the unfair fee structure presently in force in Alberta where a license fee for a 375 seat premise is the same as that of an 800 seat premise.





## LICENSE DEPARTMENT

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- RECOMMENDED - that the Director of Licensing set up offices on a regional basis throughout the Province to include locations in Calgary, Grande Prairie, Red Deer and Lethbridge in order to decentralize the department's activities;
- that regional personnel employed by the Beverage Alcohol Board be rotated on a two-year basis.

At present, the Alberta Liquor Control Board is highly centralized, resulting in Albertans being required to travel to Edmonton to deal with minor matters relating to licensing and other dealings with the Board.

The activities of the Director of Licensing, in particular, have become so extensive that it appears to the Committee to be advantageous to decentralize the Licensing Branch of the Board and thereby set up offices in specific locales in the Province of Alberta.

It is envisioned that the new offices will conduct activities under a Regional Director of Licensing, who will be directly responsible to the Director of Licensing in Edmonton.

Each regional office shall be responsible for the processing and approval of new license applications, renewals, and appeal applications within the region that the office serves. The majority of the administration in each area shall be conducted through the regional office, and shall include

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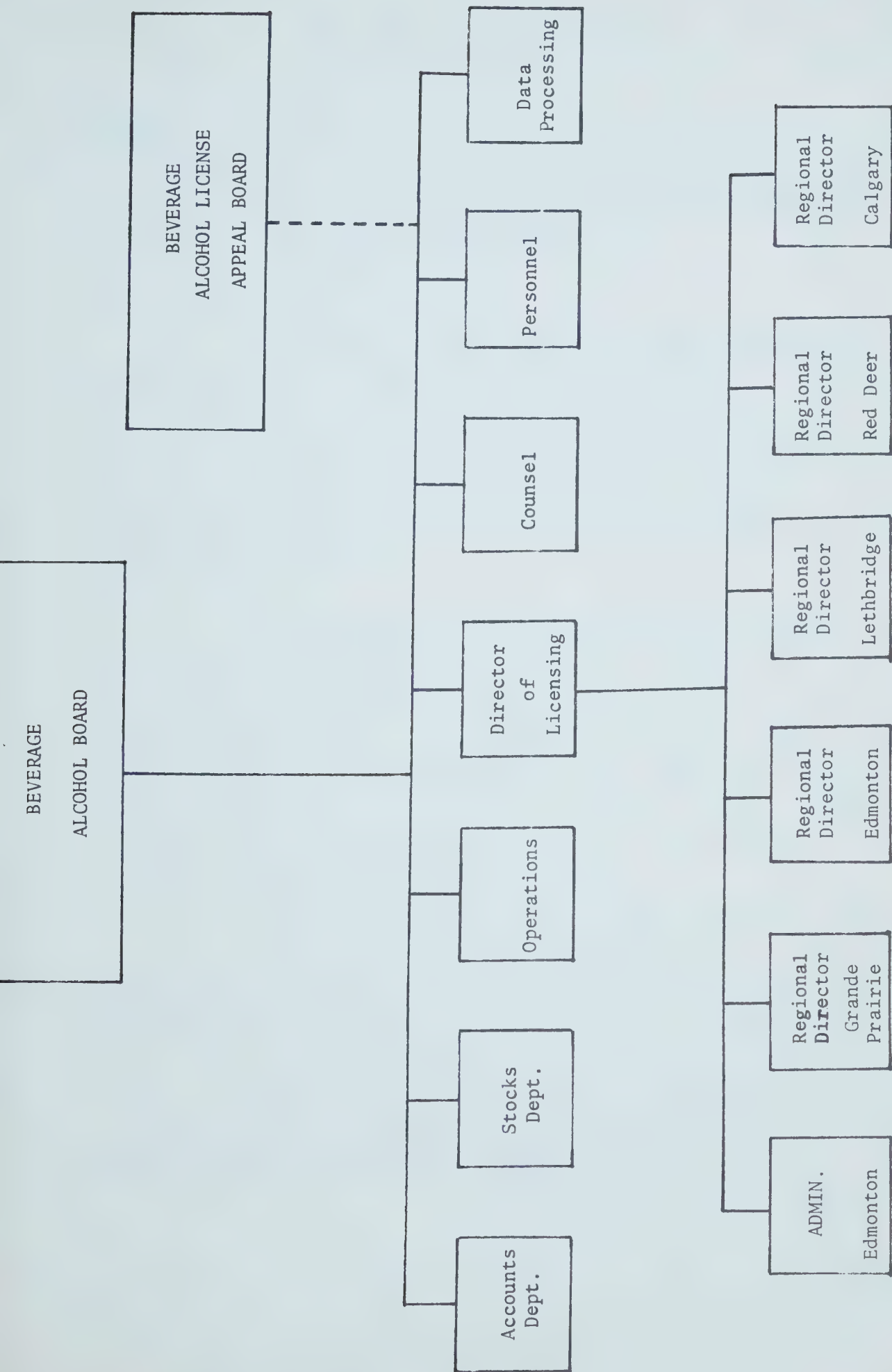
matters such as the issuance of special permits, licenses and the provision of information to the general public.

Hopefully, this procedure will result in the licensing activities of the Board becoming more readily available to Albertans who have often in the past been required, even on trivial matters, to meet the expense of travelling to Edmonton.

Due to the recommended appeal procedures contained in this Report, it is predictable that even more activities will now require the attention of the Licensing Branch of the Beverage Alcohol Board. These can best be dealt with by the institution of regional offices as recommended.

As a matter of general principle, the Committee is of the view that it is in the public interest to transfer regional personnel on a rotating basis of approximately every two years. Due to the close relationship between a licensing department and the licensees in an area, the Committee is of the view that as a matter of general policy such rotation of personnel is advisable.







## ACTIVITIES IN LICENSED PREMISES

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RECOMMENDED - that the Beverage Alcohol Board encourage Licensees whenever feasible to include recreational activities within the licensed premises.

Drinking establishments, in the view of the Committee, should not merely be locations where Albertans attend "just to drink". As mentioned elsewhere in this report, the Committee in its endeavor to reduce drunkenness in licensed premises, is of the view that the smaller and more personalized the licensed premise, the stronger the possibility that over indulgence will decrease.

By encouraging recreational activities in licensed premises, such as dancing, singing, darts, shuffleboard and the like, it is contemplated that an increased sociability and personalization of the licensed premise will result in a reduction of adverse behaviour, a more intelligent approach to drinking by the customer, and hopefully, an increase of social sanctions against drunkenness exhibited in many licensed premises.

By encouraging these activities and by insisting that good quality food be provided in the licensed premise, the Committee is hopeful that drinking may eventually become a secondary activity, and that the premise will become a location for companionship and enjoyable activities where citizens can have fun instead of merely getting drunk, as unfortunately is often the case in licensed premises in Alberta at the present time.





## LIQUOR - FOOD SPLIT

RECOMMENDED - that the present practice of requiring licensees to maintain a dollar equality of beverage alcohol and food sales be maintained.

The purpose of the requirement of a dollar equality of beverage alcohol and food sales is two-fold.

Firstly, it allows the Board to maintain high standards in licensed establishments which are required to provide superior levels of cleanliness, decor and service.

Secondly, the policy encourages the consumption of food and beverage alcohol together, which is effective in reducing over-consumption and consequent misuse.

This policy should be continued. In the view of the Committee, it has been highly successful, particularly in achieving licensed premises of a higher standard than are found in many other jurisdictions in North America which do not require the dollar equality of food and beverage alcohol sales.



## RESPONSIBILITIES OF LICENSEES

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- RECOMMENDED -
1. that licensees who serve alcohol to a person under the age of eighteen years, or who sell or supply alcohol to a person apparently under the influence of alcohol be penalized through the administrative procedures of the Beverage Alcohol Licensing Act and not by way of summary conviction procedures, as presently set out in the Liquor Control Act, and the Liquor Licensing Act;
  2. that licensees who allow the service of alcohol to minors or persons apparently under the influence of alcohol be subject to fines and potential loss of license privilege, if the abuses be continued;
  3. that the onus of detecting the age of the person or his apparent intoxication within the licensed premises remain upon the licensee, who may, in the case of minors, discharge the onus by demanding an identification and by demanding that the customer swear an affidavit confirming name, address, and birthdate to ensure that the customer is not under the age of eighteen years;
  4. that a Civil Liability section be included in the Beverage Alcohol Act setting forth the potential liabilities that may be incurred by the licensee;
  5. that a minor be allowed to enter a licensed dining lounge, restaurant, or pub, licensed in a recreation area and be served wine with his/her meal if the minor is accompanied

Continued . . .



by his/her parent, guardian or spouse and if the beverage alcohol is consumed in the presence of his/her parent, guardian or spouse within the licensed premise;

6. that charges against minors pursuant to the within legislation be dealt with by authorities in the juvenile and family court system, and not the provincial courts, in order that uniformity in handling cases, including family involvement, and consistency be accomplished.

As a result of many of the views expressed to the Committee relating to the service of minors and inebriates in licensed premises, the Committee is concerned that too many licensees in the Province of Alberta are not adequately controlling their premises, and, as a matter of course they are serving minors and inebriates.

The present provisions of the Liquor Control Act, particularly Sections 78 and 85 (c), specifically place an obligation upon licensees relating to the service of persons under the age of eighteen years and persons apparently under the influence of alcohol. The penalty provisions in the present Liquor Control Act result in minor fines being levied in Provincial Court against licensees who may be charged for violating Sections 77 and 85.

The Committee is cognizant of the licensees difficult responsibilities, placed upon them by virtue of the Act. Since the age of majority was reduced from twenty-one to eighteen years, the problem has become even more difficult from the point of view of the licensee in determining the true age of the customer. Further difficulties seem to arise over the fact that beverage rooms in Alberta have, at the present time at least, become a "hang-out" for many

Continued . . .





young people. Lengthy line-ups of such young people are common at beverage rooms throughout the Province, particularly in the urban centres.

The Committee is also cognizant of the fact that licensees are placed in a further difficult position when they refuse to serve inebriates, who, on occasion become belligerent if the licensee refuses to serve them.

Notwithstanding the difficulties faced by the licensees in this area, it is the view of the Committee that the ultimate responsibility must still rest with the licensee to adequately police his establishment.

With respect to minors, the Committee recommends that the licensee may discharge the onus upon him if the licensee demands evidence of identity and causes an affidavit to be sworn before a Commissioner for Oaths deposing that the party is eighteen years of age or over, and setting out the full name and address of the party involved. Upon the licensee conducting this investigation, should the party still be a minor, the responsibility of the licensee under the Act has been satisfied and no charges can then be laid.

If the licensee does not take these precautions, the licensee then is subject to being dealt with under the Act and the mere fact of the customer being under eighteen will be satisfactory for the Board to deal with the licensee as having committed an offense under the Act.

With respect to the service of inebriates, the Committee regards such activities as being of an even more serious nature than that of serving minors. This problem is, however, more complex than service of alcohol to minors in that it is difficult at times to determine whether or not a person is intoxicated, or, for that matter, at which stage the person becomes intoxicated. The

Continued . . .



## Responsibilities of Licensees

ultimate responsibility, however, must still lie upon the licensee, as too often "business minded" licensees will continue to serve alcohol well beyond the point where the customer has, in fact, reached the state of intoxication. The Beverage Alcohol Board must deal with each situation on its individual merits. The Beverage Alcohol Board must, however, have the power to suspend the license of a licensee for a period of time if, in the Board's opinion the licensee is serving minors or inebriates.

The Committee further recommends fines of up to \$500.00 on a first offense for a licensee who is found by the Board to be in violation of the Act.

The Committee recommends that violations of the Act with respect to service of alcohol to minors and inebriates be removed from our Provincial Courts and dealt with directly in a procedural sense by the Beverage Alcohol Board. It is suggested that an aggrieved party be entitled to appeal the decision of the Director of Licensing and/or the Beverage Alcohol Board to the Beverage Alcohol License Appeal Board. It is also recommended that the decision of the Beverage Alcohol License Appeal Board be reviewable by the Trial Division of the Supreme Court of Alberta on matters relating to jurisdiction and points of law.

An examination of the current trends in Alberta with respect to charges against minors for purchasing or attempting to purchase alcohol pursuant to Section 77 of the Liquor Control Act has proved to be interesting.

Fines levied by our Provincial Courts are normally small, although in the Province of Ontario such fines can be as high as \$1,000.00 or three months in jail, or both.

Prosecutions in Alberta are rare.

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## Responsibilities of Licensees

In Alberta in 1972 there were a total of 995 convictions under Section 77 of the Liquor Control Act. Oddly enough, 691 of these convictions occurred in districts other than Edmonton and Calgary. There were 276 convictions in the City of Edmonton, while there were only 28 in the City of Calgary. The marked disparity in the conviction figures throughout the Province lead the Committee to conclude that the present level of enforcement is sporadic and inconsistent.

It can also validly be argued that the present provisions of the Liquor Act do not realistically deter minors from attending licensed premises.

In a practical sense, the Committee therefore concludes that the ultimate responsibility must lie upon the licensee but that a greater consistency throughout the Province, with respect to charges against minors, be encouraged through the various policing agencies. From the figures referred to above, it could also be said that the licensees in the City of Edmonton have displayed greater responsibility in dealing with minors than have the licensees in the City of Calgary. Undoubtedly it is more customary amongst licensees in Edmonton to report infractions of the Liquor Act to the local police than is the case in the City of Calgary.

The Committee recommends that stricter enforcement be encouraged with respect to charges against minors found purchasing or endeavoring to purchase alcohol in licensed establishments. These charges should be dealt with by our Family and Juvenile Courts and not our Provincial Courts inasmuch as our Provincial Courts have not, in the view of the Committee, displayed an inclination to deal

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with the problem in a satisfactory manner, nor have they had time to consider the welfare of the minor in a societal sense in their deliberations. It is to be hoped that by bringing these matters before a Family or Juvenile Court, the interests of the minor could be best considered in relationship to the family circumstance of the minor charged under the Act.

The Committee is impressed with the experiment conducted in the Province of Ontario with respect to the Civil Liability clause contained in the Liquor License Act of Ontario.

The relevant sections reads as follows:

"Where any person, or his servant or agent, sells liquor to or for a person whose condition is such, that the consumption of liquor would apparently intoxicate him, or increase his intoxication so that he might be in danger of causing injury to his person or damage to his property, or causing injury or damage to the person or the property of others, then if the person to or for whom the liquor is sold, while so intoxicated;

(a) causes injury to himself or damage to his own property, or is himself injured by another or others, or suffers damage to his property by another or others, then in any of those cases, any person so injured in his person or property is entitled to bring an action for damages against the person, persons, or corporations who, or whose servants or agents sold the liquor;

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- (b) causes injury or damage to the person or property of another person or corporation. then any person or corporation so injured in his person or property is entitled to bring an action for damage against the person, persons or corporations who, or whose servants or agents sold the liquor;
- (c) commits suicide or meets death by accident, actions under the Fatal Accidents Act and under the Trustee Act lie against the person, persons, or corporations who or whose servants or agents sold the liquor."

It is the recommendation of the Committee that a similar clause be placed in the Beverage Alcohol Licensing Act, creating these potential liabilities to licensees who serve beverage alcohol to persons while intoxicated.

Licensees may well argue that the inclusion of such a clause will place a very onerous liability on them; however, it is the view of the Committee that strong measures must be taken to diminish wherever possible the incidence of intoxicated people on the streets and highways of the Province of Alberta.

It is only by somewhat stringent requirements in this difficult area that the great public harm occasioned by drunken driving will hopefully diminish.

The ultimate responsibility of acquiring reasonable drinking or abstinence habits with respect to our young people rests with the parent or guardian of the minor. The decision as to whether or not the minor will consume beverage alcohol must rest with the parent or guardian.

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Accordingly, the Committee recommends that a minor may enter a licensed dining lounge, restaurant or pub licensed in a recreational area in company with his parent, guardian or spouse, and consume beverage alcohol in the licensed premise with his parent, guardian or spouse. This is not to be construed that the Committee is of the opinion that the youth of Alberta should be encouraged to experiment with innovative drinking practices.

In a society where the consumption of beverage alcohol is common, there are valid arguments supporting the contention that reasonable drinking habits should be created within the family structure. In many areas of the world where longer histories of drinking practices may be examined, it is part of the normal family dinner routine that wine or beer be served. This practice forms a basic attitude towards the intelligent use of beverage alcohol for young people within the family structure. Such an approach is realistic, and, in the Committee's opinion should be part of the normal maturing process within those families who choose to consume beverage alcohol.

In any event, as the Committee regards the ultimate decision to be one of the parent or guardian, it does not seem consistent that government should interfere with the attitudes of the parent or guardian in the development of the minor's attitudes with respect to consumption of beverage alcohol.



## LICENSEE RIGHTS

RECOMMENDED - that more discretion be afforded to licensees with respect to their hours of opening and closing within the prescribed hours set by the Beverage Alcohol Board.

The Committee supports the views presented to them by numerous licensees suggesting that requirements imposed upon the licensee to remain open during certain hours and on holidays place an unreasonable control over the licensee who, in fact, finds certain periods unprofitable for operation.

Accordingly, the within recommendation would allow the licensee more flexibility in the setting of hours of operation (within the prescribed hours) particularly during holidays, weekends and otherwise.





- RECOMMENDED -
1. that Local Police Authorities assume the responsibility of the enforcement of the Beverage Alcohol Licensing Act and the Beverage Alcohol Act and Regulations thereunder;
  2. that in consideration of the Local Police Authorities accepting the responsibility of the enforcement of the Alcohol Legislation, a sum of money be paid yearly to the Local Police Authorities from the Beverage Alcohol Board, being a percentage of the licensing fees paid each year to the Beverage Alcohol Board;
  3. that the present policy of the Alberta Liquor Control Board of hiring ex-policemen and security officers as investigators for the Director of Licensing be discouraged.

The enforcement of the provisions of the Alcohol Legislation, particularly relating to the serving of beverage alcohol to inebriates and minors is a difficult area to resolve. Undoubtedly, the prime responsibility lies with the licensee to ensure that the standards of behaviour displayed within the licensed premises are within reasonable control. The responsible licensees do their utmost to ensure that rowdy behaviour and drunkenness are not countenanced on their premise.

The licensee is, however, in a very difficult position, inasmuch as many examples have been brought to the attention of the Committee whereby local Police Authorities will not enter licensed premises as a matter of policy, unless expressly requested by management to do so, or, in the alternative, to perform other duties such as required by the Criminal Code of Canada or the Narcotic Control Act.

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## Enforcement of Alcohol Legislation Within Licensed Premises

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As a consequence, the responsibility for enforcing the Alcohol Legislation falls primarily with the Beverage Alcohol Board and the licensee.

Police authorities have suggested that "many criminal offences can be attributed to over-indulgence of alcohol on licensed premises, resulting in impaired driving, domestic quarrels and serious crimes of assault, and even murder". Strict control by management is advocated by Police Authorities, but management can only go so far in such supervisory activities utilizing security officers, bouncers, and similar employees.

It is therefore recommended that the Local Police Authorities assume a more direct responsibility for the enforcement of the Alcohol Legislation within licensed premises. It is predictable that the more obvious presence of Policy Authority within licensed premises will result in a more responsible attitude by licensees and a more consistent approach to the enforcement of provisions of the Alcohol Legislation.

It is envisioned that the Local Police Authority would develop a close liaison with the Beverage Alcohol Board in that alleged offenses discovered by the Police would be immediately reported to the Director of Licensing where the alleged offense is one directly within the sole control and jurisdiction of the Board. In other cases, the Local Police Authorities would be encouraged to directly charge inebriates or minors found to be within the licensed premises.

The aforementioned approach appears to have been successful within the Province of Ontario where Local Police Authorities (in Ontario) have developed departments whose sole responsibility is the enforcement of the Alcohol Legislation. The cost of these services is partially underwritten by the sharing of license fees between the Alcohol Authority and the Municipal Administration.

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In conclusion the Committee urges a more direct involvement by the Local Police Authorities in order to overcome many of the difficulties brought to the Committee's attention during the period of their deliberations.

The role of the Liquor Inspectors employed by the Alberta Liquor Control Board at the present time is difficult inasmuch as they cannot possibly satisfy the demands placed upon their services. On one hand they are inspectors of cleanliness, fire, safety, electrical and plumbing regulations, and in general the standards of the licensee. It can certainly be stated that the Liquor Inspectors have indeed demonstrated proficiency in the exercise of their responsibilities in this area, the result of which has created a food and beverage industry in Alberta of very high standards. On the other hand, the Liquor Inspectors also assume the role of policing, in that they are called upon by the public and enforcement agencies to enforce legislation relating to behavioral standards within the licensed premises.

It is suggested that the role of the Alcohol Inspectors be primarily directed toward the maintenance of standards within the licensed premise, distinct from the enforcement of legislation which requires the intervention of law enforcement officers. A close liaison between the Alcohol Inspectors and the local Police Authorities is vital, but their roles should be clearly defined.

Similarly, a close liaison is beneficial if it exists between the licensee and the Alcohol Inspectors. This close liaison does not currently exist due to the fact that at present the Liquor Inspectors are basically ex-policemen and security officers, consequently they are regarded with distrust by the licensee. Once the respective roles of the Alcohol Inspectors and the Local Police have been defined and implemented, it is recommended that the Beverage Alcohol Board employ and train inspectors whose background and qualifications are not related to the law enforcement field.





PUBLIC SAFETY - FIRE

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- RECOMMENDED -
1. that the "Accepted Safety Standards for Licensed Premises" relating to fire precautions be incorporated within the Fire Commission Act and Regulations thereunder, so that the inspection of licensed premises be brought directly within the responsibilities of the Provincial Fire Commissioner and/or Local Fire Authority;
  2. that each application for a license or for a license renewal be accompanied by a Certificate of Approval from the appropriate Local or Provincial Fire Authority certifying that the premises adhere to the required standards set out under the Fire Commission Act and Regulations thereunder;
  3. that the Provincial Fire Commissioner, Local Fire Authority, or the Beverage Alcohol Board be empowered to close a licensed premise upon the discovery of a breach of the Fire Regulations until such time as the licensee has rectified the breach.

The present accepted safety standards for licensed premises relating to fire standards as followed by the Alberta Liquor Control Board are not part of the legislation pursuant to the Fire Commission Act. As a result, certain inconsistencies arise due to the fact that the Local Fire Authorities are not empowered to enforce the standards acceptable to the Alberta Liquor Control Board. The safety of the public in, on, or around licensed premises is of paramount interest to Provincial Authorities. However, the enforcement of safety standards

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relating to fire should preferably be enforced by Local and Provincial Fire Authorities.

Accordingly, this recommendation suggests that the Government of the Province of Alberta enact legislation which would incorporate the accepted safety standards for licensed premises relating to fire within the Provincial Fire Legislation, and empower the Local and Provincial Fire Authorities to enforce the regulations to ensure the protection of public safety.

The present practice of the Alberta Liquor Control Board upon receiving an application for a new license is to require the applicant to provide a certificate from the Local Fire Authority confirming that the existing regulations relating to fire standards have been satisfied. This practice should continue, and should be expanded under recommended legislation so that on application for renewal of license a similar certificate is provided to the Board.



## PUBLIC SAFETY - HEALTH

- RECOMMENDED -
1. that the Provincial Department of Health develop health standards under the appropriate legislation for licensed premises in conjunction with the Beverage Alcohol Board;
  2. that the responsibility for inspection of licensed premises for health standards be brought within the responsibilities of the Provincial Department of Health and/or Local Health Authority, with the necessary delegated authority;
  3. that each application for a license or for license renewal be accompanied by a Certificate of Approval from the appropriate Local or Provincial Health Officer certifying that the premises adhere to the required standards set out under the Health Act and Regulations thereunder;
  4. that the Provincial Health Officer, Local Health Officer, or the Beverage Alcohol Board be empowered to close a licensed premise upon the discovery of a breach of the Health Act until such time as the licensee has rectified the breach.

The responsibility of ensuring adequate public health standards for licensed premises lies with the Local Health Authorities; however, it is the general practice of enforcing health regulations through the Alberta Liquor Control Board Authority (License Department) in many cases. The Alberta Liquor Control Board has continually pressed for above average conditions, culminating in many

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excellent licensed establishments throughout the Province; however, the Committee seriously questions whether responsibility lies in this quarter. It appears that Local Health Authorities do not have the authority necessary to enforce public health by-laws on a local level, or, are simply unwilling in deference to the authority of the Alberta Liquor Control Board. It would appear necessary that the Provincial Government review this matter with a view to enacting the necessary legislation.





## PUBLIC SAFETY

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### RESTAURANT AND COFFEE SHOP LESSEES IN CONJUNCTION WITH LICENSED PREMISES

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RECOMMENDED -       that the Beverage Alcohol Licensing Act and Regulations be extended to require the maintenance of health, fire and safety standards for restaurants and coffee shops leased from licensees in conjunction with licensed premises.

A number of licensees have entered into arrangements whereby the restaurant or coffee shop in conjunction with the licensed premise is leased to an independent operator. In some cases, the independent operator has not maintained adequate standards in matters of health, safety and fire requirements. Under the existing regulations, the Board is not empowered to enforce such standards within these premises, even though the premises are, in fact, an integral part of the service provided by the licensee. Oddly enough, the licensee is allowed to apply the food sales from the lease premises against the required food/alcohol split maintained by the present Board. The Board should not be restricted in this manner, and accordingly the within recommendation urges that the enforcement of standards applicable to the licensed premises be extended to include food service locations conducted in conjunction with the licensed premise.



## AGENCY STORES

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RECOMMENDED - that Agency Stores, operating on an annual contractual basis with the Beverage Alcohol Board, be allowed to sell beverage alcohol in the more remote areas of the Province.

Many areas of Alberta are isolated from reasonable access to Government operated liquor stores. These Albertans are placed at a disadvantaged position to those living in more densely populated areas. Examples have been brought to the attention of the Committee wherein the necessity of travelling lengthy distances to purchase alcohol has resulted in motor vehicle accidents, due to the propensity of the customer to drink either en route or on the way back from the liquor store.

As at October, 1971, the following Alcohol Boards operated Agency Stores:-

Board	Number	No. of Brands	% Profit and/or Commission	Restrictions
B. C.	1	No restrictions	10% to \$40,000 5% over	Board pays freight
Manitoba	75	No restrictions	10% to \$40,000 5% over	No closer than 15 miles of a liquor store; 5 miles from agency store
Ontario	35	40 - 75	10% to \$40,000 5% over	35 miles to next outlet north of Highway 17
N.W.T.	5	No restrictions	15% on beer 12½% to \$175,000 7% over	
Saskatchewan	100	. . . . . Data not available . . . . .		

Continued . .



## Agency Stores

The following chart illustrates sales, costs of sales, and commissions in other provinces operating Agency Stores, from information received by the Committee, were as follows:-

<u>Province</u>	<u>Year Ending</u>	<u>Outlets</u>	<u>Sales</u>	<u>Commission</u>
Saskatchewan	Mar. 31, 1970	100	\$5,586,732	not stated
Manitoba	Mar. 31, 1970	75	\$5,244,682	\$ 401,009 7.64%
Ontario	Mar. 31, 1970	35	not stated	Commission Expenses \$ 181,504 \$ 11,294

It further appears by an analysis of the normal operating costs of small Board stores operating in Alberta, that sales in a Board-owned or leased store should equal or be greater than \$50,000 annually, to cover fixed and variable costs (break even).

This recommendation contemplates the Beverage Alcohol Board retaining the services of a well-operated local store in an outlying area whereby the store shall be allowed to sell a limited line of beverage alcohol brands on a commission basis. In all probability, these agency stores should be maintained up to an annual sales amount of approximately \$100,000 per year\*. Once the sales of the Agency Store exceed \$100,000 a year, it would appear that it would then be advisable for the Alcohol Board to build or lease a premise of its own in that vicinity.

The following general guidelines are suggested by the Committee with respect to the implementation of Agency Stores;

\* Appendix F

Continued . .



## Agency Stores

- (a) Agency stores should be on a yearly contract, on the understanding that when the business of an agency store grows to an amount of gross yearly sales of approximately \$100,000 it is the intention of the Alcohol Board to establish its own marketing outlet in the area, and the agency store will then be closed.
- (b) Agency stores should be established in localities which can adequately serve the needs of the public in surrounding areas and should not be any closer than twenty (20) miles from an existing Government Beverage Alcohol Board store.
- (c) Agency stores should not be established in premises that are licensed by the Beverage Alcohol Board.
- (d) Agency stores should be established where there is an existing business, and where the selling of beverage alcohol would be secondary to the regular business.
- (e) The hours of the agency store should be at the discretion of the Beverage Alcohol Board.
- (f) Agency stores should be licensed to sell spirits, wine, and imported beer only. The Committee suggests that due regard must be maintained with respect to the rights of existing licensees in the area who rely to a great extent on the off-premise sale of beer. It is not the intention

Continued . . .





of the Committee that agency stores should be set up to compete with existing licensees.

- (g) The prices for beverage alcohol charged by the agency stores should be the same as in all Government marketing outlets.

The Committee has received a considerable number of requests from independent food stores requesting that it consider the granting of privileges to corner grocery stores to sell beer and wine. Some of the representations made to the Committee went so far as to suggest that such rights be extended to the independently owned grocery stores and that the "chain" stores not be allowed this privilege.

In fairness to the position of the independent grocery operator, it can well be said that they are facing considerable pressure from the advent of convenience stores and larger chain operators.

The family owned type of corner grocery thus feels that if the Government were to grant to them the sole right to sell beer and wine their position would become secure and their business more viable.

Although the Committee has the greatest sympathy for the independently run grocery stores who are facing considerable pressure to their very existence the Committee does not feel that it can recommend that the Government consider allowing these food outlets to sell beverage alcohol products to the public.

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The reasons for the Committee's decision in this regard are as follows:

- (a) The Committee is very concerned over the element of control. Reports received by the Committee from areas where such privileges are extended, seem to indicate that problems relating to criminal infiltration of corner grocery stores, sale of beverage alcohol to minors, and a high incidence of robberies of corner grocery stores seem to become evident.
- (b) There is also the fear that the sale of groceries would become a secondary factor in the operation of the grocery store, and that the store would then become primarily a market of beverage alcohol.
- (c) There has been little evidence submitted to the Committee that would indicate that the consumer, particularly in our urban centres, is experiencing any difficulty purchasing beverage alcohol, considering the large number of Board operated Alcohol Stores within the Province.

For the reasons outlined above, the Committee regrettably does not feel that it can support the recommendation presented to it by the smaller grocery operators. It is the concern of the Committee that this segment of our business community will hopefully be able to maintain itself by means of better organization and control in a rapidly changing industry.



## BEER

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### RECOMMENDED

- 1. that the warehousing and marketing of beer (bottled and keg) become the sole responsibility of the Alberta Brewers' Agents under the supervision and control of the Alcohol Board;
- 2. that the sale of beer be removed from the Board operated outlets and be sold through retail outlets maintained by the Alberta Brewers' Agents;
- 3. that the retail outlets operated by the Alberta Brewers' Agents conduct their operations so that:
  - (a) bottle returns are accepted at the retail outlet,,
  - (b) refrigerated beer be sold at these outlets,
  - (c) the hours of operation be such that the outlets remain open until midnight Monday through Saturday,
  - (d) the location of the new retail outlets be as close to existing Board outlets as possible.
- 4. that licensees be allowed to serve beer in a variety of containers in keeping with the decor and atmosphere of the licensed premise;
- 5. that the marketing of glasses and mugs emblematic of brewers distillers and vintners be allowed;
- 6. that all licensees be allowed, if they wish, to sell draft beer to the public;
- 7. that the alcohol content of domestic beer products be reduced from 5% to 4% by volume;

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8. that the practice of marketing soft drinks in beer bottles not be allowed;

The large amount of space required for the warehousing and marketing of beer is resulting in the Alcohol Board facing considerable expense to meet these requirements. In existing Board outlets, the amount of space required for the storage of beer is placing the Board in a position whereby they do not have sufficient space to sell the large variety of products that the consuming public demand. The Board is further not in a position to sell cold beer from its premise, as the cost to place refrigeration within these premises would be exhorbitant and not warranted.

At the time of the writing of this Report, the first step relating to these recommendations has already taken place, in that the warehousing of beer has now been assumed by the Alberta Brewers' Agents. The Committee has examined the experiment in beer stores in the Province's of Ontario and Manitoba, and found same to be a very acceptable approach to the selling of beer to the public. The result of such a recommendation, if implemented, would free a considerable amount of space to the Board whereby they could market an additional variety of brands to the public, and, hopefully, would result in better service relating to the sale of beer. The recommendation will in no way affect the income received by the Board from the sale of beer in that all beer sold by the Alberta Brewers' Agents would be under the direct control of the Board.

With respect to the desires of some licensees to use containers which are in keeping with the decor and atmosphere of the particular licensed premise, it is the view of the Committee that a suggestion of this nature is acceptable and that

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in fact varieties of decor are to be encouraged. This recommendation is based on the condition that the Beverage Alcohol Board continue to regulate the price and size of the containers in which beer is sold and that the Board will further ensure that the tide-line is still evident on containers used by a licensee.

To the present time, the only licensee allowed to sell draft beer is the hotel industry. The Committee cannot determine any valid reason why the sale of draft beer should be within the sole domain of the hotel industry. Accordingly, the recommendation would allow any licensee who wishes to sell draft beer to be permitted to do so.

Albertans are heavy beer drinkers. The sales of domestic beer products in this Province are continually rising at a steady rate. In the past few years a domestic brewer has experimented with low-alcohol-content beer, which is beginning to achieve a degree of popularity. The Committee is of the view that to encourage the sale of low-alcohol-content beer is desirable. The difference in taste is barely discernible, but the effect on over consumption - particularly in licensed premises, could be meaningful. It is hoped that the implementation of such a recommendation would be a major step toward prevention of alcohol misuse without causing any real detriment to the beer-consuming public.

The Committee is concerned over the practice of one of the local brewers relating to the marketing of soft drinks in beer bottles. A number of private submissions were made to the Committee by concerned parents who are of the view that such a practice was merely a devious way of encouraging the consumption of beverage alcohol. There appears to be little redeeming value to such a practice, and accordingly such practice in the Province of Alberta should not be allowed.



## REGISTERED REPRESENTATIVES - BREWERIES

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RECOMMENDED - that the current practice of restricting the number of registered representatives within the Brewing Industry continue with the exception that they be increased from six (6) to eight (8).

The present practice of registering corporate representatives by the Alberta Liquor Control Board should be continued, as it is viewed by the Beverage Alcohol Industry as a method of maintaining excellent business practices. However, in some cases this measure is seen to be unfair and unduly restrictive inasmuch as the number of representatives is currently limited to six (6) per company. In order to alleviate such hardship, the Committee recommends increasing the number of registered representatives from six (6) to eight (8), and that the Beverage Alcohol Board review this matter from time to time with the intent of maintaining the current business practices created by the measure. If, in the Board's opinion, the industry (or a portion thereof) fails to meet its obligations, then consideration should be given to restricting the number of registered representatives universally, or within an individual company.



## PRICE CONTROL POLICIES

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RECOMMENDED - that the Beverage Alcohol Board establish a favourable pricing policy for wines and spirits produced in the Province of Alberta.

It is common practice in other jurisdictions in North America to encourage the production of wine and spirits within the specific jurisdiction rather than to support the importation of such products from other areas. The present Board has already created a number of policies to place local producers in a more favourable position. Such policies include the provision of additional listings in favour of locally produced wines and spirits. This procedure should be encouraged, even to the extent of creating a favourable pricing policy whereby the price of locally produced wines and spirits should be somewhat less than their imported competitors.

The Committee is also of the view that the present policy of the Board relating to the practice of controlling prices charged by licensees should be continued. This practice has resulted in a beneficial control of business practices and ethics in the sale of beverage alcohol. In order to maintain the protection of the general public from unreasonable practices of licensees relating to prices, the present practice of the Board in this area should be encouraged.





## INTERDICTION

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RECOMMENDED - that the present sections of the Liquor Control Act relating to interdiction be repealed.

The continuation of interdiction provisions under the Liquor Control Act is of extremely doubtful benefit to interdicted individuals.

The interdicted person can easily obtain alcohol either through friends who make purchases on his behalf at the local licensed outlet, or by going to a nearby town or licensed premise where he is not known as an interdicted person. The interdicted person is thereby encouraged to leave his family and areas where he is known in order to travel to larger urban centres where he is not familiar to the licensees. In many cases interdiction instead of assisting the person actually leads to a more aggravated situation.

It is naive to suggest that interdiction has proven an answer to the problems of overconsumption. Rehabilitation and control of alcoholics should be dealt with by individuals qualified to assist with these problems. Often interdiction results in making rehabilitation even more difficult by encouraging transience.

The cost of maintaining this function is disproportionate in terms of its effect as a method of social control, and accordingly, the Committee recommends that the present Liquor Control Act be amended by striking out Clause 8 of Section 2, subsection (1), and by further striking out Sections 80, 95, 100, 101, 102, 103, 104, 105, 106 and 107.



## ILLEGAL POSSESSION

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RECOMMENDED - that the Government of Alberta review the provisions of the Liquor Control Act relating to Illegal Possession of beverage alcohol, to overcome the present inequities which have resulted in a very unsatisfactory application of the law as it now exists.

A number of situations have been brought to the attention of the Committee wherein individuals have been charged pursuant to Section 82 of the Liquor Control Act for illegal possession resulting from their transportation of unsealed beverage alcohol within their motor vehicle. The accused parties were unaware of the fact that the unsealed beverage alcohol bottle was in the vehicle, yet they were found guilty of illegal possession under the Act.

The Committee suggests that the law should clearly prohibit the drinking of beverage alcohol within a motor vehicle by either driver or passenger, however, the mere transportation of beverage alcohol should not be an offense; nor should the existence of laws relating to illegal possession be utilized by law enforcement agencies for "fishing expeditions".

Accordingly, the Committee recommends the complete redrafting of the present provisions of the Liquor Control Act to overcome the unsatisfactory state of existing legislation.



## SEARCH & SEIZURE

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RECOMMENDED - that the Section's of the Liquor Control Act relating to Search and Seizure be reviewed to ensure that unwarranted and unnecessary powers are not granted to law enforcement officers which may offend the rights of the individual to privacy and freedom in their homes.

Section 108 of the Liquor Control Act permits a Constable the right of entry and search without warrant and without reasonable and probable grounds. The mere suspicion or belief on the part of the Constable that "liquor is unlawfully kept, or had, or kept on hand for unlawful purposes" is the condition precedent to the search\*.

These powers appear to be unnecessary and unwarranted.

It further appears that the word Inspector should be deleted from Section 108 and 110 of the Liquor Control Act, in that Liquor Inspectors should not be allowed such powers to search without warrant.

In conclusion, the Committee is impressed by the study conducted by Mr. John Law, entitled "Search, Seizure and Arrest under Alberta Statutes"; \* and concurs in the major recommendations of the said report in so far as it relates to the Liquor Control Act.

\* Appendix J





## BEVERAGE ALCOHOL SERVICE IN FACILITIES PROVIDED TO SENIOR CITIZENS

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- RECOMMENDED -
1. that facilities providing housing for senior citizens be permitted to obtain a license allowing the sale of beverage alcohol to residents and their guests, upon the obtaining of approval from the Beverage Alcohol Board and the Department of Health and Social Development;
  2. that the price charged to Senior Citizens for beverage alcohol shall be the same as the price allowed under Special Permit Resale Regulations.

The limited sale of beverage alcohol within our nursing home facilities within the Province would allow our senior citizens to enjoy a greater degree of sociability and friendship and provide a social amenity to which these people should be entitled.

Many owners of nursing homes have suggested that the advent of such a license category would have a very beneficial effect upon the senior citizens residing within these facilities, in that it creates a revival of the social graces and allows the elderly people to enjoy a drink with their families and friends who come to visit them.



## PERMITS

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- RECOMMENDED -
1. that the current practice of issuing individual banquet permits for gratuitous social functions be terminated;
  2. that the Beverage Alcohol Board be granted discretion to issue annual Special Events Permits for large-scale community functions such as the Calgary Stampede, Klondike Days, county and agricultural fairs and exhibitions;
  3. that the hours governing the sale and service of alcoholic beverages under a re-sale permit be extended to seven continuous hours including a meal hour.

A continued aggravation to both the Alberta Liquor Control Board and the consumer is the necessity to acquire banquet permits in order to conduct a social event of a non-commercial nature, such as weddings, family gatherings and similar functions.

In 1972 the Board issued 20,050 Special Permits, and 19,699 Resale Permits. The requirement of the issuance of a Special Banquet Permit for a non-commercial social event is an annoyance to the individual organizing the function and is costly for the Board to administer. In the view of the Committee there is little argument to support the continuation of the requirement to obtain a Special Banquet Permit.

By restructuring the license categories, it is likely that the number of Special Resale Permits issued by the Board each year will be

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## Permits

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substantially reduced. It is, however, important to maintain the Special Resale Permit in order to ensure that marginal operators are prohibited from conducting social functions of a proprietary nature involving the sale of beverage alcohol.

As the granting of a Special Events Permit is a special privilege granted by the Board for large-scale community functions, the Board is urged to grant these annual permits on a conservative basis, and to ensure that reasonable food services and health standards be maintained wherever such Special Events Permits are utilized. It is further suggested that the only beverage alcohol allowed to be sold at locations operating under Special Events Permits be wine, draft or bottled beer.

The recommendation relating to the seven-hour continuous extent of the Special Resale Permit is merely to overcome an ambiguity which exists in the prevailing regulations. It is contemplated that the seven hours allowed under this Special Resale Permit include the period set aside for the service of food.



## WINE

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- RECOMMENDED -
1. that the Beverage Alcohol Board hire a staff of wine experts to assist the Board in the development of new and innovative policies relating to the purchase, storage, and merchandising of wine;
  2. that the Beverage Alcohol Board develop wine specialty stores, particularly in the high-density areas of the Province, under the direction of the staff of wine experts employed by the Beverage Alcohol Board;
  3. that the Beverage Alcohol Board provide to the consumer a greater variety of wines than now presently offered;
  4. that the Beverage Alcohol Board become more actively engaged in the purchase of wine futures;
  5. that an annual wine-maker's license be required to those wine hobbyists manufacturing wine in their homes;
  6. that holders of a wine-maker's license be entitled to purchase grain alcohol from the Beverage Alcohol Board stores for the manufacture of homemade liqueurs;
  7. that holders of a wine-maker's license be also allowed to transport home-made wines to agricultural fairs, exhibitions and wine-maker's competitions;

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8. that holders of wine-maker's licenses be allowed to possess in their residence a maximum of 200 gallons of home-made wine, or 50 gallons of home-made wine per member of the immediate family residing in the residence to a maximum of 200 gallons;
9. that "select" and/or imported wines be made available to licensees by small case lots whenever possible;
10. that wines with higher alcohol content (by volume) be priced higher than wines of lower alcohol content (by volume).

Albertans are becoming more wine conscious. Statistics released in the Annual Report of the Alberta Liquor Control Board, 1971-1972, disclose a comparison of sales of wine and vermouth in imperial gallons (previous year) which set out the following information.

	<u>Imported</u>	<u>Canadian</u>
Wine and Vermouth	447,247 (396,099)	1,784,027 (1,486,823)

The increased interest of Albertans in purchasing a greater variety of both imported and Canadian wines has caused certain difficulties to the Board in the obtaining of adequate wine supplies in a highly competitive market. In many cases the Board has been unable to adequately merchandise a sufficient variety of wines due to warehousing problems, particularly in the Alberta Liquor Control Board stores.

Continued . . .



## Wine

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The recommendations of the Committee generally encourage the Board to develop more sophisticated methods of acquiring varied and satisfactory wine supplies by the placement of a greater emphasis upon the acquisition of wines.

It is easily predictable that the cost of many imported wines will increase substantially due to the expanded use of wine throughout the world. The desirability of certain wines, particularly those of French vintage will unquestionably increase requiring the Board to seek out alternative sources.

In order to meet the increased demand for wines in Alberta due to the trend toward greater wine consumption, the Beverage Alcohol Board will have to assume a more energetic and sophisticated approach to the purchase of wine than has been the case in the past.

This can only be done by the employment of wine experts, whose sole duties will be to become actively engaged in bulk purchasing, and acquisition of wine futures to ensure the continued high level of supply of wine in many varieties to the marketing outlets throughout the Province.



## PUBLIC CONSUMPTION

RECOMMENDED -           that public consumption of beverage alcohol at outdoor family and social gatherings be allowed.

The present Section 71 of the Liquor Control Act requires that no person shall consume liquor in any place other than a residence. Accordingly, the family wishing to drink beer and wine at a picnic is in contravention of the Act. This section is impractical and hypocritical. Albertans frequently consume beverage alcohol, particularly beer and wine at their outdoor barbecues and picnics notwithstanding the existing law. The Committee recommends the repeal of Section 71. It is noted, however, that there are still provisions in the Liquor Control Act relating to persons in an intoxicated condition in a public place (Section 83), and this should be sufficient to provide the public with adequate protection.



## NOISE POLLUTION

RECOMMENDED - that the Minister of the Environment be requested to investigate the concerns of the Committee with respect to the excessive noise in many licensed premises, to determine whether or not any practical and enforceable regulations could be implemented.

The problem of noise pollution in/on licensed premises has been brought to the attention of the Committee. Noise in excess of normal conversation levels appears to have a bearing on consumption habits as well as potential for physical harm to patrons and employees. A recent survey of Edmonton establishments indicates that noise levels in licensed premises there shows little cause for alarm. However, there is indication for concern as there are licensed premises in the Province where noise levels exceed the safety margins for short periods.

Management of this particular problem is, of course, difficult if not impossible. However, those operators who persist in maintaining high noise levels will undoubtedly suffer in the long term as consumers in a free market place eventually make their choice along with employees whose dissatisfaction will result in confrontation/termination of employment.

Musicians and their representatives have a significant contribution to make on this matter, but, judging by the number of recent research reports on hearing losses of musicians, and their general lack of response, one can only guess as to their physical state and obligations to their craft.

The Committee, as a result of their concern in this area, recommends the involvement of the Minister of the Environment to determine whether or not any practical and enforceable regulations could be implemented.





## NATIVE PEOPLE AND BEVERAGE ALCOHOL

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RECOMMENDED -           that the present legislation be amended to  
include Indian Reserves and Metis Settlements  
within the definition of local option areas.

The Committee, in reflecting on the serious alcohol related social, economic and health problems of Alberta's native poeple, feels that little, if any constructive aid has been extended toward alleviating these problems. The practice of licensing commercial ventures within areas adjacent to Indian Reserves and/or Metis Colonies has not proven to be helpful.

The Committee recommends that the Natives and Metis of Alberta would benefit by developing their own licensed establishments, within the context of their culture and upon request, utilizing existing sections within the Liquor Plebiscites Act.



## GENERAL RECOMMENDATIONS

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- RECOMMENDED -
1. that a warning be printed on every bottle, label, carton or case of beverage alcohol sold in the Province of Alberta to read as follows:  
"WARNING: ALCOHOL IS A DRUG, EXCESSIVE USE MAY BE INJURIOUS TO YOUR HEALTH";
  2. that the Provincial Government adopt a leading role in encouraging other Provincial Governments and the Federal Government to develop a National Organization to provide co-ordinated programs and research aimed at prevention, treatment and education in the alcohol area;
  3. that the Provincial Government encourage industry to participate in a meaningful financial way to the assistance of programs created on a national basis in the area of the prevention of alcohol problems;
  4. that Section 29 of the Alberta Liquor Licensing Act be amended to delete the words, "or British Subject";
  5. that present regulations restricting gambling in areas where beverage alcohol is being served be continued;
  6. that on applications for new licenses, the Board encourage policies whereby individuals with prior experience in the food and beverage alcohol service industry be given priority consideration;

Continued . . .



## General Recommendations

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7. that Section 44 of the Liquor Licensing Act (management and/or employment contracts) is inadequate inasmuch as it refers only to the sale of beer in beverage rooms. In view of the recent changes allowing spirits to be served within beverage rooms, the Committee recommends that Section 44 of the Act be amended to read, "the volume of sales of beverage alcohol".



## HEALTH AND SOCIAL POLICY

Albertans consume twenty-eight million imperial gallons of beverage alcohol annually (second in rank in Canada - see Appendix H, page 106), the majority do so in a normal moderate fashion. As Canada's second major natural resource province, we also contribute to a major social and health problem which, because of its stigma and lack of adequate definition is largely unrecognized and hidden from public view. It is the fourth major illness in Canada, following cancer, heart disease and mental illness. Costs to the people and industry in the Province of Alberta are incalculable. Perhaps, as with the mental health field, no other area of social/health problems has received a more callous disregard for human resources from the successive governments of Canada as the area of problem drinking. Provincial Governments have attempted preliminary measures within their respective jurisdictions only to be limited to stop gap measures designed to cope with the obvious examples of the problem population. To the people working within the field who through their endeavors attempt to "minimize the casualties", this is insufficient and represents a minimum effort toward the goal of effective prevention.

During 1968 Dr. J. Edwin Boyd of the University of Calgary prepared a report for the Alberta Mental Health Study (the Blair Report) and in June 1970 prepared a second report for the Human Resources Research Council, entitled "Addiction Programmes in Alberta". In the combined reports there are thirteen recommendations for change - efforts are currently underway to implement several of his recommendations.

The most important recommendation contained within Boyd's report of June 1970 is quoted below to emphasize the concern and need to recognize alcohol problems and their prevention as a priority.

Continued . . .





"Education and Community Services Programmes should be designed to bring about reduction in growth of addiction problems. An appraisal of success must be undertaken. As pointed out earlier, the reduction in addiction problems is a long-term proposition. The aims of such a programme, however, can be met in the following ways:

1. Attitude change procedures. Concerted efforts must be made to develop and disseminate an appropriate philosophy of beverage alcohol use. Cultural attitudes and practices have an important influence on alcohol use. Many of the problems extant in our society arise because of a lack of clear guidelines in this regard.
2. An increased level of understanding in the population. The availability of authoritative information on addiction problems should be reflected in an increased level of knowledge within the population. This knowledge would not only aid people in understanding the nature of problems but would make them aware of the facilities available to alleviate these problems when they occur."

In view of the constant increase in consumption patterns throughout the Province, with it's attendant problem potential, the Government of Alberta should review Dr. Boyd's June 1970 Report and the Blair Report\* with a view to recognizing the progress made to date, and the implementation of the remaining appropriate recommendations. Perhaps in the light of recent developments the Government may also wish to update the report prior to further action.

The Committee, throughout its tenure heard information which, in its opinion, would suggest that the Government of Alberta should, in cooperation with federal authority, increase their involvement within the prevention field, the cost of which could be shared with other jurisdictions and the beverage alcohol industry.

\* The Alberta Mental Health Study

Continued . . .



## APPENDIXES

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- A. ACKNOWLEDGEMENTS
- B. PUBLIC HEARINGS
- C. WRITTEN SUBMISSIONS
- D. PRIVATE SUBMISSIONS
- E. VISITS BY THE COMMITTEE
- F.
  - 1. AGENCY STORE AGREEMENT
  - 2. AGENCY STORE COST ANALYSIS
- G. COMPARISON OF CURRENT LICENSE CATEGORIES WITH OTHER PROVINCES
- H. PER CAPITA INVENTORY OF ABSOLUTE ALCOHOL CONSUMPTION, EXPENDITURES, DISPOSABLE INCOME AND GOVERNMENT REVENUES - EXPENDITURES.
- I. LEGISLATION FROM OTHER JURISDICTIONS
- J. "SEARCH SEIZURE AND ARREST UNDER ALBERTA STATUTES"  
JOHN LAW'S RECOMMENDATIONS FOR THE LIQUOR CONTROL ACT.



'Estimates of the number of people in Alberta who have some serious involvement with alcohol range as high as 20,000 (1969). The trend of these estimates has been to increase over the past few years. Some simple arithmetic will make it clear that the likelihood that the current numbers employed by the division (Commission) staff could even interview, let alone bring about changes in behaviour for a significant number of this group, is very small. It has been suggested by some investigators (Smart, 1965) that for any particular area the number of physicians, nurses and social workers combined would not be adequate to the task of one-to-one treatment of the alcoholic. In California alone, for example, according to the best estimate available, providing all problem drinkers with weekly contact with a psychiatrist and once-a-month contact with a social worker would require the full-time work of every psychiatrist and every trained social worker in the United States.

Since there is a shortage of trained personnel and since our knowledge of the methods which are most appropriate is painfully limited, it is quite apparent that alternative methods for reducing the incidence of problem drinking are needed. To paraphrase the statements of Platt (1967), "Prevention should be a major objective of a (provincial) alcohol policy. While treatment may alleviate suffering and help maintain or restore social functioning, only through preventive approaches can rate of alcoholism and other types of problem drinking be substantially lowered." Although treatment may be continued as an activity on humanitarian grounds, the real hope for long-term payoff appears to rest with the preventive approach to alcohol problems. This approach offers at the same time the greatest promise for change as well as the greatest challenge for implementation." \*\*

\*\* quoted from Dr. J. Edwin Boyd



## ACKNOWLEDGEMENTS

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The Committee extends their appreciation to the following Agencies and Personnel for their assistance and cooperation, without which this Report could not have been prepared. In particular, the Committee expresses gratitude to Mrs. Judy Martin for her efficient manuscript preparation, administration support and perseverance throughout the Committee's tenure.

It is important to note that the Alberta Liquor Control Board and all members of their staff gave their time and cooperation to participate in lengthy discussions throughout the period of investigation. Their conscientious support of the Committee was very encouraging in all matters relating to this Report.

- Alberta Liquor Control Board
- Alberta Commission on Alcoholism & Drug Abuse
- Department of the Attorney General of Alberta
- Department of Health and Social Development
- Ontario Addiction Research Foundation
- Ontario Liquor Control Board
- Ontario Liquor License Board
- British Columbia Liquor Control Board
- The Government of Canada:    Statistics Canada  
   Non Medical Use of Drugs Directorate  
   Department of Consumer Affairs
- Mr. Jim Seymour and the staff of the Premier's Office, both  
  Calgary and Edmonton
- Staff of the Alberta Government Public Affairs Department





- University of Calgary: Consultation Services of Mr. J. Roberts and Dr. J. Edwin Boyd
- Judge Herbert A. Allard, Juvenile and Family Courts, Calgary
- The Association of Canadian Distillers
- The Brewers Association of Canada
- The Brewing Industry of Alberta
- Brewers Warehousing Company
- The Distilling Industry of Alberta
- The Alberta Hotel Industry
- The Alberta Department of Environmental Health
- The Commission of Inquiry into the Non Medical Use of Drugs, and Mr. J. Peter Stein
- Statistics Alberta
- Graham Harle, M.L.A.
- Mrs. Eleanor Thomson
- Mr. Allan Hardy
- Mr. Harry Watson
- Mr. Larry Hanlan
- Mr. Julian Koziak, M.L.A.



PUBLIC HEARINGS

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EDMONTON - January 10, 1972

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The Edmonton Journal	Mr. Ross Munro
Outdoor Advertising Assoc. of Alberta	Mr. Henning
Mr. Don Gencko	
Alberta Brewers' Agents	Mr. A. Hunt
University of Alberta Board of Governors	
University of Alberta Students Union	
Food Services Directorate of the University of Alberta	

CALGARY - January 11, 1972

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Alberta Vintners	Mr. E. Davis
Alberta Weekly Newspapers	
The Calgary Herald	Mr. F. McGirr
Alberta Broadcasters Association	Mr. A. Smith
University of Calgary Board of Governors	
University of Calgary Students Union	
Latter Day Saints - Seventh Day Adventists	Mr. M. Schindler

GRANDE PRAIRIE - September 11, 1972

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Citizen Mrs. Delphine Halldorson



EDMONTON - September 12, 1972

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Association of Canadian Distillers	Mr. C. Conville Mr. R. Herington Mr. M. McCormick
Jasper Food Services	Mr. J. C. Youell
Cafe Carousel Ltd.	Mr. S. Reichert
Wine Makers Guild	Mr. C. W. Tennant
Alberta Association of Wine & Spirit Representatives	
University of Alberta	Dr. B. Y. Card

EDMONTON - September 13, 1972

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Citizens Brief	Mr. K. Robertson
European Merchandise Import Co.	Mr. Josef Frohlich
Private Citizens Brief	Dr. G. B. Mellon
Retail Food Merchants Association of Edmonton	
C.N.R. Sales and Services	Mr. M. Rabin
Womens Christian Temperance Union	Mrs. Villette Mrs. Nelson Mrs. G. Knight
Provincial Women's Christian Temperance Union	Mrs. Eastes

CALGARY - September 14, 1972

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Brewers Association of Alberta	Mr. A. Fitzgerald Mr. A. Hunt
Ingelwood Ramsay Community Redevelopment Committee	Mr. S. Feador
Private Citizens Brief	Mr. R. Touche Capt. Bashford



CALGARY - September 14, 1972

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Calgary Ski Club	Mr. T. Boleantu
Wine Guild	Mr. J. M. Simpson
Wine Art Association	Mr. Karl B. Hansen
The Garden's Club	Mr. M. P. Hussey
Private Architect's Brief	Mr. S. Melathopolous

CALGARY - September 15, 1972

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The Alberta Hotel Association	Mr. G. Barr Mr. J. Beland Mr. A. Murray
Toby Wong's Restaurant	Mr. Len T. Wong
Symon's Valley Recreation Centre	Mr. L. Jones
Mac's Milk Ltd.	Mr. A. Rosborough
Al San Club	Mr. A. W. Bertrum
The Latter Day Saints	Mr. Marc Schindler
Calgary Independent Food Merchants	Mr. J. Kwan
The River Edge Foundation	
Citizen Mr. Nick Semelick	

LETHBRIDGE - September 16, 1972

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Warners Lions Club	Mr. Emil Gundlock
Canadian Restaurant Association	Mr. T. E. Campanelli Mr. J. Greekas





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WRITTEN SUBMISSIONS

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Alberta Architects Association  
Alberta Brewers Association  
Alberta Broadcasters Association  
**Alberta** Dental Association  
Alberta Hospital Association  
Alberta Weekly Newspaper Association  
Alberta Pharmaceutical Association  
Bowling Proprietors Association of Alberta  
Calgary City Police Department  
Calgary Herald  
Chalet Wines  
Department of Health and Social Development  
Edmonton Journal  
Edmonton City Police  
Edmonton Symphony  
Forest Grove Nursing Home  
Horboway, Mr. J.  
Outdoor Advertising Association of Alberta  
Red Deer Auxiliary Hospital and Nursing Home  
Royal Canadian Mounted Police  
Trans Ad Division  
Sadownik, Mr. R.



PRIVATE SUBMISSIONS AND/OR MEETINGS

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Alberta Alcohol and Drug Abuse Commission, Calgary, Alberta

Alberta Indian Association, Edmonton, Alberta

Alberta Liquor Control Board (Chairman, Staff and Inspectors), Calgary and Edmonton

Calgary City Police, Calgary, Alberta

Calgary Philharmonic (President - Roderick Whitehead), Calgary, Alberta

Northern Alberta Jubilee Auditorium (Manager - Ron Wigmore), Edmonton, Alberta

Southern Alberta Jubilee Auditorium (Manager - C. Blackwood), Calgary, Alberta

University of Calgary - Student Services Division, Calgary, Alberta



VISITS BY THE ALBERTA LIQUOR LEGISLATION COMMITTEE

January 9, 1972	Edmonton, Alberta	Henwood Alcohol Treatment Centre
January 10, 1972	Edmonton, Alberta	University Campus Public Hearings
January 10, 1972	Edmonton, Alberta	Liquor Advertising Public Hearings
January 11, 1972	Calgary, Alberta	University Campus Public Hearings
January 11, 1972	Calgary, Alberta	Liquor Advertising Public Hearings
September 11, 1972	Grande Prairie, Alberta	General Public Hearings
September 12, 1972	Edmonton, Alberta	General Public Hearings
September 13, 1972	Edmonton, Alberta	General Public Hearings
September 14, 1972	Calgary, Alberta	General Public Hearings
September 15, 1972	Calgary, Alberta	General Public Hearings
September 16, 1972	Lethbridge, Alberta	General Public Hearings
December 7, 1972	Toronto, Ontario	Ontario Liquor Control Board
December 7, 1972	Toronto, Ontario	Ontario Liquor Licensing Board
December 8, 1972	Toronto, Ontario	Alcohol & Drug Addiction Research Foundation of Ontario



## EXAMPLE OF AGENCY STORE AGREEMENT

THIS AGREEMENT made in duplicate the                      day of  
A.D. 197     .

BETWEEN

THE LIQUOR CONTROL BOARD OF ONTARIO

hereinafter called the "Board", the party

OF THE FIRST PART;

and

hereinafter called the "Agent", the party

OF THE SECOND PART.

WHEREAS it is provided in Paragraph (c) of subsection (1) of Section 8 of the Liquor control Act, being Revised Statutes of Ontario 1960, Chapter 217, that it is the duty of the Board and it has the power to determine the municipalities within which Government stores shall be established or authorized and the location of such stores in such municipalities.

AND WHEREAS by Paragraph (b) of Section 11 of the said Liquor Control Act, the Board may, with the approval of the Lieutenant-Governor in Council appoint such officers, inspectors, vendors, servants and agents as the Board deems necessary in the administration of this Act and the Regulations.

AND WHEREAS by subsection (1) of Section 30 of the said Liquor Control Act, government stores may be established by the Board in accordance with the Act and the Regulations.

AND WHEREAS the Board deems it desirable that a Government store for the sale of liquor be established in the \_\_\_\_\_ in the \_\_\_\_\_ and the Province of Ontario, to be known as Agency Store No. \_\_\_\_\_. .

AND WHEREAS the Board deems it advisable to appoint the Agent for the purpose of selling liquor in the \_\_\_\_\_ in the \_\_\_\_\_ and the Agent has agreed to accept the appointment subject to the terms and conditions of this Agreement hereinafter set forth.





NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. The Agent is hereby constituted and authorized to sell on behalf of the Board, liquor from premises in his establishment known as \_\_\_\_\_ in the \_\_\_\_\_ and Province of Ontario.

2. For the purposes of this Agreement the term "liquor" shall be interpreted as liquor as defined under Section 1 (1) (i) of The Liquor Control Act.

3. For the purposes of this Agreement the words "premises" and "designated premises" shall be interpreted as being that part of the Agent's establishment designated by the Board in which liquor will be stored and sold.

4. The Agent covenants and agrees to receive and maintain upon the aforesaid premises for sale to persons entitled to purchase liquor under The Liquor Control Act, such liquor as the Board may from time to time deem advisable to place in the premises of the Agent, under the conditions herein contained.

THE AGENT COVENANTS AND AGREES:

5. (a) That he will store in suitable premises designed by the Board in the aforesaid establishment such liquor purchased by him from the Board.

(b) That he will make, at his own expense, all renovations, alterations and improvements to the aforesaid premises when directed to do so by the Board in its sole and absolute discretion, but will make no other alterations, renovations or improvements to the said premises without having first obtained the written approval of the Board therefore.

(c) That he will keep the aforesaid premises in clean and sanitary condition.

(d) That he will not store, keep, display or sell said liquor in any portion of the said establishment except the premises designated by the Board.

(e) That he will maintain the premises in such physical condition that the same during the term of this Agreement shall at all times be an insurable risk.

(f) That he will maintain the said premises so as to conform with all by-laws and regulations established by the local government authority affecting the same.



6. The Agent covenants and agrees that the Board, by its agents or representatives may, at any time it thinks proper without notice to the Agent, inspect the stock of the said liquor in the Agent's premises and take possession of and remove any of the said liquor which shall not have been sold.

7. The Agent covenants and agrees to sell the liquor in the quantities, at the times and in the manner authorized by The Liquor Control Act and the terms and conditions of this Agreement and all sales shall be for cash.

8. Pursuant to The Liquor Control Act, the Board shall determine the price for which the Agent shall sell the liquor and the Agent shall make no sales at any price other than that set by the Board.

THE BOARD COVENANTS AND AGREES:

9. To remunerate the Agent for his services on its behalf in the following manner:

(a) Spirits, wine and imported beer up to \$40,000 in any one year shall be sold to the Agent by the Board at a discount of 10% from the normal retail price.

(b) Spirits, wine and imported beer in excess of \$40,000 in any one year shall be sold to the Agent by the Board at a discount of 5% from the normal retail price.

(c) Canadian beer shall be sold to the Agent by the Board at a discount of 10% from the normal retail price.

provided, however, that the Board in its absolute discretion may vary such rates by giving notice to the Agent of its intention to do so by registered mail, postage prepaid, at least 30 days before the rates are so varied.

THE AGENT COVENANTS AND AGREES:

10. (a) That at such times as requested by the Board during the currenty of this Agreement, he will make reports to the Board on forms supplied by the Board showing accurately all information required thereon respecting the sale of liquor, the inventory of liquor then held by him and any other information which the Board may from time to time deem necessary.

(b) That he will keep and maintain such books or accounts, inventory records and any other records which the Board in its absolute discretion shall direct.

(c) That he will observe and adhere to operating procedures and regulations established by the Board from time to time, so that a high standards of service to the public is created and maintained.



11. THE AGENT COVENANTS AND AGREES:

(a) To hire and provide at his own expense a sufficient number of employees for his business premises so as to insure -

(i) That the customer desiring to purchase liquor received courteous, prompt and alert service.

(ii) That there is no delay whatsoever in keeping the records and the making of all reports required by this Agreement.

(b) That he will submit to the Board within one month of the date of this Agreement the names, ages and addresses of all persons employed or permitted by him to work on the said premises and thereafter will duly advise the Board of the name, age and address of any new employee or person working in the said premises within 14 days of the hiring of the said new employee or person.

(c) That the Board shall have the right in its absolute discretion at any time to forbid any one or more of the Agent's employees from handling or selling liquor in the Agent's premises.

(d) That he shall notify the Board in writing the name of the employee of the Agent appointed by the Agent to act on his behalf during his absence from his place of business.

12. THE AGENT COVENANTS AND AGREES:

(a) That he will not enter into any agreement either oral or written with any distiller, brewer or producer of wine, their servants, agents employees or any one acting under their authority or direction, whereby the Agent agrees to sell liquor produced by any distiller, brewer or producer or wine.

(b) That he will express no favouritism of brand in the sale of liquor nor recommend either expressly, by implication or otherwise, the purchase of any one brand in priority over another.

(c) That he will keep for sale such brands of liquor as the Board directs and will have no authority or discretion whatsoever to alter such brands.

13. THE AGENT COVENANTS AND AGREES that he will not accept, keep or display on his premises any form of advertising supplied directly or indirectly by any distiller, brewer or producer of wine and that he will keep posted in his premises only such signs, price-lists, or other material concerning liquor as the Board supplies and/or directs to be displayed in his premises.

14. THE BOARD AGREES to supply at its own expense all signs, posters, price-lists, customer order forms and any other forms necessary for the designation of the Agent as a person authorized to sell liquor and for the information and use of persons desiring to purchase liquor from the Board through the Agent.





15. THE AGENT COVENANTS AND AGREES to enter into any performance and/or fidelity bond in the amount and with the company designated by the Board.

16. This Agreement and the appointment of the Agent hereby made shall be revocable at any time by the Board in its discretion.

17. THE BOARD AGREES that the agent may terminate this Agreement and his appointment hereby made, by giving notice in writing by registered mail, addressed to The Chief Commissioner, The Liquor Control Board of Ontario, 55 Lake Shore Boulevard East, Toronto, Ontario, at least sixty days prior to the date of the intended termination.

18. IT IS UNDERSTOOD AND AGREED that this Agreement is personal in character and not subject to assignment by the Agent and the Agent COVENANTS AND AGREES to give the Board notice in writing as soon as he offers to sell or dispose of his business and to advise the Board of the name and address of the purchaser or successor, not later than thirty days before the sale or other disposal is completed.

19. Should any matter or manner of thing arise affecting the parties hereto which is not provided for by this Agreement, then it is hereby understood and agreed that reference shall be made to the Liquor Control Act. Should conflict arise between the terms of this Agreement and the Liquor Control Act, then the Act shall be absolute and binding.

IN WITNESS WHEREOF the Board and the Agent have executed these presents on the day, month and year first above written.

THE LIQUOR CONTROL BOARD OF ONTARIO

Chief Commissioner

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Agent

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Witness





# AGENCY STORES - COST ANALYSIS

Re:- Owned Stores and Agency Stores

The following Boards operate Agency Stores:

<u>Board</u>	<u>Number</u>	<u>No. of Brands</u>	<u>% Profit Commission</u>	<u>Restrictions</u>
B. C.	1	No restrictions	10% to \$40,000 5% over	Board pays freight
Manitoba	75	No restrictions	10% to \$40,000 5% over	No closer than 15 miles of a liquor store, 5 miles from agency stor
Ontario	35	40 - 75	10% to \$40,000 5% over	35 miles to next outle north of Highway 17
N. W. T.	5	No restrictions	15% on beer 12½% to \$175,000 7% over	
Saskatchewan	100			

Fixed and Annual costs of establishing a Board owned store are as follows:

Fixed Standard Store Costs - for sales up to \$250,000

Building	\$ 60,000.00
Land	2,000.00
Furniture, Fixtures and Equipment	6,000.00
Total Investment	\$ 68,000.00



# Annual Cost of Operating a One (1) Man Store - Sales up to \$250,000

Manager Salary	\$ 9,625.00	
Plus: Fringe Benefit	<u>1,200.00</u>	
		\$ 10,800.00

## Expenses:

Premises		
Taxes	700.00	
Property Exp.	55.00	
Utilities	720.00	
Business tax	75.00	
Bldg. Depreciation	<u>1500.00</u> (2½%)	
		3,050.00

## Operational:

Stat. & Supplies	165.00	
Freight	525.00	
Breakages	25.00	
Telephone	75.00	
Postage	30.00	
Main. of Equip.	99.00	
Insurance	140.00	
Subsistance & Trav.	380.00	
Miscellaneous	<u>30.00</u>	
		1,469.00

Depreciation on F.F. & E.		
\$6,000.00 @ 10%	600.00	

Investment Capitalized		
10% x \$ 68,000	<u>6,800.00</u>	

11,919.00

Total Annual Cost	\$ 22,719.00
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Less: Freight	<u>525.00</u>
---------------	---------------

\$ 22,194.00

Use the figure of \$ 22,000.00



# Annual Cost of Operating a Store with Sales over \$250,000

Salaries - Manager	\$ 9,600.00	
2 Clerks		
2 x \$,6,600	13,200.00	
	<u>22,800.00</u>	
Plus fringes - 12.5%	2,850.00	
	<u></u>	\$ 25,650.00

## Expenses:

Premises		
Taxes	900.00	
Property Expense	100.00	
Utilities	715.00	
Business Tax	145.00	
Building Depreciation	2,500.00	
	<u></u>	4,360.00

## Operational

Stationery and Supplies	1,100.00	
Freight	1,325.00	
Breakages	14.00	
Telephone	101.00	
Postage	21.00	
Maintenance of Equipment	63.00	
Insurance	123.00	
Miscellaneous	50.00	
	<u></u>	2,797.00

Depreciation on F. F. and E.		
\$8,725.00 @ 10%		872.00

## Investment Capitalized

Land	2,500.00	
Building	100,000.00	
F. F. & E.	8,725.00	
	<u></u>	
	\$ 111,225.00	
	<u></u>	
		11,122.00

\$ 44,801.00

As above	44,800.00	
Less: Freight	1,325.00	
	<u></u>	\$ 43,475.00



Average Gross Profit Rate recieved in a smaller store = 45%

Agency Store cost - Commission - 10% on first \$ 40,000  
 5% over \$ 40,000 sales  
 plus freight at 1% of sales

Net Profit Comparison, Agency Store vs. Board Store

+

<u>Annual Sales</u>	<u>Gross Profit Factor</u>	<u>Agency Store</u>		<u>Board Store</u>
			Fixed Cost	22,700.00
			LESS Freight	500.00
				<u>22,200.00</u>
\$50,000 x 45%		22,500		22,500.00
Deduct Commission				
10% x \$40,000	4,000			
5% x 10,000	500	4,500	Fixed Cost	22,200.00
	<u>          </u>	<u>          </u>		<u>          </u>
Net Profit to Board		\$ 18,000		\$ 300.00
		<u>          </u>		<u>          </u>
\$45,000 x 45%		\$ 30,250		30,250.00
10% x \$40,000	4,000			
5% x 5,000	250	4,250		22,300.00
	<u>          </u>	<u>          </u>		<u>          </u>
		\$ 26,000		\$ 7,950.00
		<u>          </u>		<u>          </u>
\$20,000 x 45%		9,000		9,000.00
10% x \$20,000		2,000		22,200.00
		<u>          </u>		<u>          </u>
Net Profit to the Board		\$ 7,000		( \$ 13,200.00) Loss
		<u>          </u>		<u>          </u>
\$90,000 x 45%		40,500		40,500.00
10% x \$40,000	4,000			
5% x \$50,000	2,500	6,500		22,200.00
	<u>          </u>	<u>          </u>		<u>          </u>
Net Profit to the Board		\$34,000		\$ 18,300.00
		<u>          </u>		<u>          </u>





<u>Annual Sales</u>	<u>Gross Profit Factor</u>	<u>Agency Store</u>	<u>Board Store</u>
\$200,000 x 45%		\$ 90,000.00	\$ 90,000.00
10% x \$40,000	\$ 4,000.00		
5% x \$160,000	<u>8,000.00</u>	<u>12,000.00</u>	<u>22,200.00</u>
Net Profit to Board		\$ 78,000.00	\$ 67,800.00
		<u><u>                    </u></u>	<u><u>                    </u></u>
\$250,000 x 45%		112,500.00	112,500.00
10% x \$40,000	4,000.00		
5% x \$210,000	<u>10,500.00</u>	<u>14,500.00</u>	<u>22,200.00</u>
Net Profit to Board		\$ 98,000.00	\$ 90,300.00
		<u><u>                    </u></u>	<u><u>                    </u></u>
\$275,000 x 45%		123,750.00	123,750.00
10% x \$40,000	4,000.00		
5% x \$235,000	<u>11,750.00</u>	<u>15,750.00</u>	<u>43,475.00</u>
Net Profit to Board		\$ 108,000.00	\$ 80,275.00
		<u><u>                    </u></u>	<u><u>                    </u></u>
\$300,000 x 45%		135,000.00	135,000.00
10% x \$40,000	4,000.00		
5% x \$260,000	<u>13,000.00</u>	<u>17,000.00</u>	<u>43,475.00</u>
Net Profit to Board		\$ 118,000.00	\$ 91,525.00
		<u><u>                    </u></u>	<u><u>                    </u></u>
\$500,00 x 45%		225,000.00	225,000.00
10% x \$40,000	4,000.00		
5% x \$460,000	<u>23,000.00</u>	<u>27,000.00</u>	<u>43,475.00</u>
Net Profit to Board		\$ 198,000.00	\$ 181,525.00
		<u><u>                    </u></u>	<u><u>                    </u></u>

1. Sales in a Board owned or leased store should equal or be greater than \$50,000 annually to cover fixed and variable cost (break even).
2. At no point, under the commission arrangement used by existing Boards, will the profit from operating government stores equal the profit that could be received from an agency store arrangement.



COMPARISON OF CURRENT LICENSE CATEGORIES

<u>TYPE OF LICENSE</u>	<u>ALBERTA</u>	<u>BRITISH COLUMBIA</u>	<u>SASKATCHEWAN</u>	<u>MANITOBA</u>	<u>ONTARIO</u>	<u>QUEBEC</u>	<u>NEW BRUNSWICK</u>	<u>NOVA SCOTIA</u>
Beverage Room	HOTELS ONLY	PUBLIC HOUSE - may also be issued to premises NOT in an hotel	Yes - may also be issued to a Restaurant*	Yes - also Restaurants and Clubs.	Yes - Public House - may be issued to premises NOT in an hotel.	Yes - Public House - Hotels and Inns only.	Yes - also has Tavern for men only.	Yes - also has Tavern for men only.
Beverage Room Liquor	HOTELS ONLY	No	No	Yes - but no separate license is required	No	No	No	No
Beer Vendor	HOTELS ONLY	Yes - Public House License covers OFF premises sales.	Yes - Hotels only	Yes - Hotels and Restaurants	No	No - except for grocery stores	No	No.



<u>TYPE OF LICENSE</u>	<u>ALBERTA</u>	<u>BRITISH COLUMBIA</u>	<u>SASKATCHEWAN</u>	<u>MANITOBA</u>	<u>ONTARIO</u>	<u>QUEBEC</u>	<u>NEW BRUNSWICK</u>	<u>NOVA SCOTIA</u>
Dining Lounge	Yes - with meals - includes AIRLINES - RAILWAYS	Yes	Yes	yes	Yes	Yes	Yes	Yes
Lounge	Yes - food must be available	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Beer and Wine	Yes - with food	Yes	Yes	Yes	Yes	Yes	Yes.	Yes
Special Events	BEER only Stampede, Klondike, Fairs, etc.	No	No	No	No	No	No	No



<u>TYPE OF LICENSE</u>	<u>ALBERTA</u>	<u>BRITISH COLUMBIA</u>	<u>SASKATCHEWAN</u>	<u>MANITOBA</u>	<u>ONTARIO</u>	<u>QUEBEC</u>	<u>NEW BRUNSWICK</u>	<u>NOVA SCOTIA</u>
Club Beer	Private, Golf Service Clubs, etc.	Dining Lounge Lounge or Public House	Yes	Yes	Yes	Yes	Yes	Yes - also includes private bottle belonging to a member
Club Liquor								
Canteen Beer	Active and Reserve units - Canadian Forces, R.C.M.P. and City Police	Yes - same as for Clubs	Yes - Club License	Yes - Dining Lounge, and Lounge also Public House	Yes	No	Yes	Yes - same as for Clubs.
Canteen Liquor								





<u>TYPE OF LICENSE</u>	<u>ALBERTA</u>	<u>BRITISH COLUMBIA</u>	<u>SASKATCHEWAN</u>	<u>MANITOBA</u>	<u>ONTARIO</u>	<u>QUEBEC</u>	<u>NEW BRUNSWICK</u>	<u>NOVA SCOTIA</u>
Special Permits	Yes - Ordinary and Resale	Yes	Yes	Yes	Yes	Yes	Yes	yes
	NOTE: Cabaret is an extension of the Dining Lounge License	NOTE: Clubs, Canteens and Public Houses can sell bottle beer off premises	NOTE: "Beer Parlor" license is issued "men only" premises	NOTE: Separate Cabaret License - Sports Arenas, Theatres, Senior Citizen Homes may be licensed.	NOTE: No off premises beer sales license. hold Taverns, Dining Lounge and Lounge licenses as do Theatres	NOTE: Cabaret License in major centres only. Tavern License men only - Draught beer is restricted to Public Houses and Taverns. Licenses are also issued to the following premises: Race Tracks Theatres Amphitheatres Hunting or Fishing Lodges.	NOTE: Hunting or Fishing Lodges may obtain license to sell off premises liquor by the bottle to sportsmen	



PER CAPITA INVENTORY OF ABSOLUTE ALCOHOL CONSUMPTION, EXPENDITURES, DISPOSABLE INCOME & GOVT. REVENUES - EXPENDITURES

	POPULATION AGE 15 YRS. AND OVER	DISPOSABLE INCOME PER CAPITA (15 & OVER)	GALS. OF ABSOLUTE ALCOHOL CONSUMED PER CAPITA (15 & OVER)	EXPENDITURE ON ALCOHOLIC BEVERAGES PER CAPITA (15 & OVER)	PROV. GOV'T. NET INCOME PER CAPITA FROM SALE OF BEV. ALCOH. (15 & OVER)	PROV. GOV'T. PER CAPITA BUDGET ON ALCOH. & DRUG PROGRAMS (15 & OVER)
ALBERTA						
1970	1,081,000	\$ 3773.00	2.08 Gals.	\$ 144.67	\$ 52.00	\$ .94
1971	1,113,365	\$ 4073.00	2.34 Gals.	\$ 160.73	\$ 57.93	\$ 1.08
B. C.						
1970	1,527,700	\$ 3804.00	2.27 Gals.	\$ 146.78	\$ 43.32	\$ 1.25
1971	1,574,645	\$ 4182.00	2.50 Gals.	\$ 165.67	\$ 54.15	\$ 1.38
ONTARIO						
1970	5,392,600	\$ 4097.00	2.04 Gals.	\$ 129.32	\$ 36.16	\$ 1.36
1971	5,494,620	\$ 4395.00	2.33 Gals.	\$ 86.76*	\$ 40.00	\$ 1.67
QUEBEC						
1970	4,194,900	\$ 3302.00	1.78 Gals.	\$ 102.72	\$ 27.68	\$ .79
1971	4,242,230	\$ 3516.00	1.98 Gals.	\$ 60.07*	\$ 23.98	\$ 1.07
MANITOBA						
1970	691,100	\$ 3389.00	1.93 Gals.	\$ 135.33	\$ 44.51	\$ .45
1971	701,455	\$ 3704.00	2.19 Gals.	\$ 147.66	\$ 48.06	\$ .68

Appendix H

(ALL FIGURES ON THIS CHART ARE BASED ON POPULATION 15 YEARS AND OVER)

\* Recent changes in marketing policy in Ontario & Quebec - FIGURES DO NOT ACCURATELY REFLECT PER CAPITA EXPENDITURES

SOURCE: Statistics Canada, Alberta Bureau of Statistics, Alberta Alcohol & Drug Abuse Commission, Alberta Liquor Control Board. Ontario Alcohol & Drug Addiction Research Foundation, Alcohol Foundation of B.C., O.P.T.A.T. Quebec



## LEGISLATION FROM OTHER JURISDICTIONS

CANADA

Alberta	Alberta Liquor Control Act
British Columbia	B. C. Government Liquor Act
Manitoba	Manitoba Liquor Control Act and Statutes
New Brunswick	New Brunswick Liquor Control Act
Newfoundland	Newfoundland Alcoholic Liquors Acts & Regulations
Nova Scotia	Nova Scotia Liquor License Board Regulations
Ontario	Liquor Control Act - Liquor Licensing Act
Prince Edward Island	Prince Edward Island Liquor Control Act
Quebec	Quebec Liquor Corporation Act
Saskatchewan	Saskatchewan Liquor Act

U. S. A.

California	Alcoholic Beverage Control Act and Supplement
Florida	Florida Retailers Handbook & Schedule of License Fees
Illinois	Rules & Regulations of the Illinois Liquor Control Act
Louisiana	Louisiana Alcoholic Beverage Control Law
New York	Alcoholic Beverage Control Law
North Dakota	Alcohol Beverage Laws and Regulations
Ohio	Ohio Liquor Laws and Regulations (Title 43)
Pennsylvania	Pennsylvania Liquor Control Board Regulations
South Dakota	South Dakota Alcoholic Beverage Statutes
Texas	Texas Liquor Control Act
Washington	Liquor Laws of Washington

Other Areas

Great Britain	Licensing Act 1964
New Zealand	New Zealand Sale of Liquor Act



EXCERPT FROM A STUDY BY JOHN LAW ENTITLED,

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"SEARCH SEIZURE AND ARREST UNDER ALBERTA STATUTES" COVERING THE

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ALBERTA LIQUOR CONTROL ACT

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LIQUOR CONTROL ACT RECOMMENDATIONS:

1. A search warrant should be mandatory for any search of a private dwelling made in conjunction with a Liquor Control Act offence.
2. Section 108 (2), the Authorization to Search under The Liquor Control Act, should be repealed. The problems that it is designed to combat can be met with more positive actions that do not endanger the rights of the individual.
3. The term inspector should be deleted from the search and seizure provisions (Sections 110 to 113). Under present Board policy, inspectors do not conduct any searches or seizures under these provisions. Under the Act and Regulations they are given powers of search and seizure with respect to licensees and their premises. This is ample for the role that the Liquor Board plays.
4. Searches conducted by enforcement agencies should be conditioned on reasonable and probable grounds that an offence against the Act has been committed.
5. If the Authorization to Search is repealed, then provision must be made for entry into and search of premises other than private dwellings.





6. The Liquor Control Board no longer requires liquor sold in the Province of Alberta to have a Board seal on the bottle. This would seem to eradicate the basic need for Section 73. This author feels that this provision and its function should be carefully examined.
7. Wherever possible, books and documents seized under the authority of Section 111, should be examined in their usual place. Certified photo copies of these documents should be accepted in evidence.  
(The only documents that should be seized are those that are relevant to the offence.) The entire provision should be clarified so that its capabilities for abuse can be limited.
8. The concept of illegally conveying liquor should be looked at to bring it more into line with present day concepts. This would tend to decrease the number of seizures involving liquor in motor vehicles under the authority of Section 112.
9. The seizure of a motor vehicle in conjunction with a Liquor Control Act offence should be eliminated. The more serious "bootlegging" offences (where such seizures occur) can be handled by federal statutes.
10. The constable's decision to effect a seizure should be based on reasonable and probable grounds that liquor is unlawfully kept or had, or kept or had for unlawful purposes contrary to the statute.
11. Section 113 should be redrafted so as to leave not as much discretion with the apprehending officer. Ambiguous terms such as "in such quantities" give the section a great capability for arbitrary use. The use of the authority should again be conditioned on reasonable and probable grounds rather than the satisfaction of the officer.



12. If the situation warrants a seizure and detention of liquor under Section 113, then it warrants a charge being laid against the offender. As the provision is worded presently a seizure may be affected without a charge being laid.
13. A voluntary payment system should be initiated for a more common, less serious offences against the Liquor Control Act such as: illegal possession, illegal conveyance and consumption in a public place. Under such a system, discretion lies with the peace officer as to whether an arrest, a mandatory appearance summons or a voluntary payment summons will handle the situation.
14. As the Act is read now, an arrestable offence is any offence against the Act or/and regulations. Following the recommendation of the McRuer Report in Ontario, an offence against the regulations should not be an arrestable offence. Only the legislature should have the power to create arrestable offences. Offences against the regulations should be handled by a summons.
15. The offences against the Act which are serious enough to warrant arrest should be enumerated in a similar fashion to such an enumeration under the Highway Traffic Act. This clearly delineates the arrest with warrant offences and lessens the chances of inconvenience toward the individual who has been arrested for a trifling offence. (Except in certain circumstances, arrest without warrant should only be used in the case of a failure to identify oneself; so that a summons is impossible to issue).



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